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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1994/18

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INTRODUCTION

1. At its forty-second session, the Commission on Human Rights decided, in resolution 1986/20 of 10 March 1986, to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures for such situations.

2. In accordance with the terms of that resolution, the Special Rapporteur submitted his first report to the Commission at its forty-third session (E/CN.4/1987/35). His mandate was extended for one year by resolution 1987/15 of 4 March 1987, at the same session of the Commission.

3. From 1988 onwards, the Special Rapporteur has submitted yearly reports to the Commission (E/CN.4/1988/45 and Add.1; E/CN.4/1989/44; E/CN.4/1990/46; E/CN.4/1991/56; E/CN.4/1992/52; E/CN.4/1993/62 and Add.1 and Corr.1). In its resolutions 1988/55, 1990/27 and 1992/17, the Commission twice decided to extend the Special Rapporteur's mandate for two years, and then for a further three years, until 1995.

4. After the resignation of Mr. d'Almeida Ribeiro, the Chairman of the Commission appointed Mr. Abdelfattah Amor as Special Rapporteur. The latter submitted his report (E/CN.4/1994/79) to the Commission on Human Rights at its fiftieth session.

5. In chapter I of this report, the Special Rapporteur recalls the terms of his mandate and their interpretation and describes the working methods he used.

6. Chapter II contains allegations transmitted in 1994 to 49 Governments regarding situations which in the Special Rapporteur's view departed from the provisions of the Declaration, as well as the observations formulated in that respect by Governments.

7. Chapter III contains the report of the Special Rapporteur's visit to China from 21 to 30 November 1994.

8. Lastly, chapter IV contains conclusions and recommendations, based on an analysis of the information available regarding the numerous infringements of the rights set out in the Declaration during the period covered by this report and on the study of measures which could contribute to preventing intolerance and discrimination based on religion or belief.

I. MANDATE AND WORKING METHODS OF THE SPECIAL RAPPORTEUR

9. The Special Rapporteur has followed his working method of transmitting to Governments summaries of allegations sent to him and appearing, prima facie, to represent infringements of or impediments to the exercise of the right to freedom of thought, conscience and religion.

The Special Rapporteur noted that some of the allegations transmitted to the Governments concerned mentioned various forms of harassment, arbitrary arrest and detention, torture or ill-treatment suffered by the victims of religious intolerance, as well as attempts on their lives. In addition, some of the reports received referred to the desecration, or even the destruction, of religious sanctuaries or property and cemeteries.

This state of affairs prompted the Special Rapporteur to ask some Governments specific and concrete questions, particularly when the allegations made against them contained descriptions of specific cases of individuals persecuted on the basis of their religion or beliefs, or of places of worship which had been damaged. These questions were in many cases accompanied by requests for legislative and other relevant texts.

In some cases, having been notified in good time of serious allegations, concerning amongst others harassment, arbitrary detention and attempts on people's lives, the Special Rapporteur decided to resort to the urgent appeal procedure (see chap. II).

The Special Rapporteur is particularly grateful for the efforts of those Governments which attempted to shed light on the allegations submitted to them, in accordance with the wish expressed by the Commission on Human Rights in its resolution 1994/53, to the effect that Governments should respond "expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned ... may carry out their mandates effectively". The replies provided by Governments are invaluable in enabling the Special Rapporteur to reach an informed opinion on the situation in a given country with regard to religious freedom.

As for the follow-up to allegations communicated to Governments and the replies received from them, the Special Rapporteur has reported his views and observations and has reverted to specific situations whenever the problems and manifestations of religious intolerance so required, or as long as Government replies - or the lack of them - failed to provide the necessary clarification. The Special Rapporteur will also in future apply himself to studying the question of Governments which do not furnish replies to the allegations transmitted to them, a problem to which he wishes to call the Commission's attention.

In accordance with his mandate and with resolution 1994/18, in which the Commission encouraged the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in that regard, the Rapporteur, after a meeting with representatives of the programme of advisory services, has put forward a number of recommendations in that respect (chap. IV).

Recalling that, in resolution 1994/18, the Commission encouraged Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively, the Special Rapporteur wishes to emphasize the importance which he attaches to visits to be made in situ in order to further the dialogue already initiated with many Governments and also to better appreciate the full complexity of the situations of religious intolerance which he is, and will be, called upon to encounter during his mandate.

In a letter of 31 August 1993 addressed to the Permanent Representatives of Greece, India, the Islamic Republic of Iran and Pakistan, the Special Rapporteur announced his wish to visit their countries to obtain information from their authorities and other parties concerned on various matters falling within his mandate. In a letter of 31 August 1993, the Special Rapporteur also wrote to the Government of the Sudan to confirm that he was pleased to accept the invitation extended to his predecessor to visit the Sudan. The choice of the above-mentioned countries was determined by the Special Rapporteur's concern to study in detail a number of problems of religious intolerance which had been brought to his attention, while maintaining an appropriate geographical balance.

The Special Rapporteur recalls his wish to visit the Governments of India, the Islamic Republic of Iran and Sudan and is still awaiting their replies.

The Government of Greece, in a letter of 14 April 1994, agreed in principle to a visit in situ by the Special Rapporteur. However, the visit was postponed to a more convenient date. The Government of Pakistan, in a letter of 15 February 1994, agreed to a visit by the Special Rapporteur, but has still not confirmed the dates of the visit.

The People's Republic of China, in letters of 9 May, 30 June, 8 August and 2 November 1994, took the initiative of inviting the Special Rapporteur to visit China from 21 to 30 November 1994. The report of his visit to China is given in chapter III of this report.

The Special Rapporteur strongly encourages all Governments wishing to do so to invite him to visit their countries in order to strengthen mutual cooperation and understanding, for the sake of eliminating all forms of intolerance and of discrimination based on religion or belief. He is also considering asking some Governments to allow him to visit their countries. He considers that, while it is still worth attaching importance to traditional visits, it would also be useful, in some circumstances, to make contact visits for the purpose of establishing a dialogue with some Governments and furthering understanding.

Moreover, the Special Rapporteur wishes to maintain and strengthen the cooperation already established with other special rapporteurs or independent experts responsible for special procedures with a bearing on his mandate by, among other things, examining specific problems with them in greater detail. Another possible method of collaboration, in the context of specific situations, would be to organize joint in situ visits by several special rapporteurs and/or independent experts.

In this regard, the Special Rapporteur took part in the meeting of special rapporteurs, representatives, experts and chairpersons of working groups on the special procedures of the Commission on Human Rights and on the advisory services programme, held in Geneva from 30 May to 1 June 1994, and endorses the meeting's recommendations (see note by the High Commissioner for Human Rights E/CN.4/1995/5).

As in his previous report, the Special Rapporteur has endeavoured, as the terms of Commission resolution 1994/18 require, to make full use of credible and reliable information provided to him, while exercising the necessary impartiality, independence and discretion. In order to do so, he has drawn on a very broad range of governmental and non-governmental sources, of very varied geographical origins, and comprising both organizations and individuals. He has also spoken with the representatives of some Governments and a number of non-governmental organizations. He has taken due account of information from religious groups and denominational communities. He has given priority to the use of recent information covering the period since the Commission's previous session. However, in the case of situations mentioned for the first time or of problems, the origins or the manifestations of which go back a number of years, he has sometimes made use of earlier information and referred to it. The information gathered is also used specifically to document religious intolerance.

It should be made clear that the dialogue established with Governments by the Special Rapporteur and the transmittal of allegations concerning their countries in no way implies any kind of accusation or value judgement, but rather a request for clarification with a view to finding, along with the Government concerned, a solution to a problem which goes to the very heart of fundamental rights and freedoms.

In accordance with his mandate, and in application of paragraph 14 of resolution 1994/18, in which the Commission encourages the Special Rapporteur to examine the contribution that education can make to the more effective promotion of religious tolerance, he has undertaken consultations with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Bureau of Education (IBE) with a view to benefiting from their experience and expertise in this field and exchanging views.

The Special Rapporteur visited UNESCO in Paris on 2 and 3 June 1994. There he gathered information and relevant documentation concerning programmes for the teaching of human rights. He also discussed the possibility of preparing a questionnaire on problems concerning freedom of religion and belief in educational establishments and requested their cooperation in that respect.

Following these consultations, the Special Rapporteur prepared the questionnaire (contained in the annex) and sent it to the Governments on 27 October 1994 (see chap. IV).

The Special Rapporteur held similar consultations with IBE. He also sent the forty-fourth session of the International Conference on Education a proposal for a special paragraph to be inserted in the text intended to modify, replace or be added to the 1974 Recommendation on international education, in the event that the Conference should decide to revise the text or make additions. The paragraph is as follows: "Urges all States to take all appropriate measures to combat hatred, religious intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief".

Within the framework of the International Conference on Education, the Special Rapporteur also took part in a round table on the role of religions in education for tolerance and mutual understanding, organized by the non-governmental organization World Conference on Religion and Peace. At the meeting, he drew attention to the importance of prevention with regard to religious tolerance through the strategic role of education, information and culture. In this respect, he referred to the initiatives and actions which, in his view, would be worth taking or undertaking in this respect. He also enjoyed the cooperation of non-governmental organizations through the Committee on Non-Governmental Organizations. He intends to follow up this aspect of his mandate further in future and, in accordance with resolution 1994/18 of the Commission on Human Rights, invites them to consider what further contribution they could make to the implementation and dissemination of the Declaration.

II. SPECIFIC INCIDENTS IN VARIOUS COUNTRIES EXAMINED BY THE SPECIAL RAPPORTEUR

In 1994, the Special Rapporteur addressed specific requests for information to 49 Governments, in accordance with paragraph 13 of resolution 1994/18, in which the Commission encouraged the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend appropriate remedial measures.

In those communications, the Special Rapporteur, inter alia, requested the views and comments of the Governments concerned in order to ascertain whether they had taken or were contemplating, in accordance with paragraph 7 of the above-mentioned resolution, "all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief", with due regard for internationally established standards of religious freedom.

In this connection, urgent appeals were addressed to five States: Bangladesh, Iran (Islamic Republic of), Iraq, Pakistan and Saudi Arabia. The Special Rapporteur received a reply to his appeal to Bangladesh but is still awaiting replies from the Governments of the other four States concerned.

Afghanistan

In a communication of 18 August 1994 addressed to the Afghan Government, the Special Rapporteur transmitted the following information:

> "According to the information received, in September 1993 the draft constitutional principles prepared under the auspices of President Rabbani declared the Hanafi rite (Sunnite) to be the Islamic basis of the State. The Shiite Muslim community is said to have strongly opposed the draft principles and the Shi'a Wahdata militia are reported to have riposted by attacking the Sunnite forces of Abdul Rasul Sayyaf.
>
> Non-Muslims are allegedly forbidden to proselytize.

The Special Rapporteur was informed that, following the destruction of the Ayodhya mosque in India in December 1992, extreme religious violence broke out against Hindu and Sikh communities, particularly in urban areas.

Acts of vandalism are said to have been committed against 'zairats', 'shrines of Sufi Muslim orders' and pre-Islamic funerary 'totems' in Nuristan."

Albania

In a communication of 31 August 1994 addressed to the Albanian Government, the Special Rapporteur transmitted the following information:

> "According to the information transmitted, although the Albanian Government has recognized the right of the Greek minority to practise its Orthodox religion, no progress has been made in returning the religious property confiscated from the Greek community under the former regime.
>
> Moreover, it is reported that four bishops appointed by the Ecumenical Patriarchate to help Archbishop Anastasios restore the Orthodox Church in Albania were refused entry to Albanian territory on the grounds that they were not nationals, when this nationality requirement could not be met since all religious activity by the Greek minority was seriously affected for 45 years.
>
> The Special Rapporteur has also been informed that Orthodox priests have allegedly been subjected to pressure by the authorities to conduct their liturgy in Albanian rather than in Greek."

Algeria

In a communication of 18 August 1994 addressed to the Algerian Government, the Special Rapporteur transmitted the following information:

> "The Special Rapporteur is concerned by the tragic upsurge in murders carried out by armed groups of Islamist militants, who are reportedly continuing to kill civilians and targeting a larger and larger proportion of the population. They are even said to be stepping up their campaign of violent attacks directed against civilians. It is alleged that women, journalists, judges, doctors and intellectuals, among others, have been killed, wounded, abducted or threatened, while others who have escaped death are living in constant fear.
>
> It is reported that communiqués signed by the Islamic Armed Group (GIA) call for 'enemies of Islam', and particularly journalists, intellectuals, women and foreigners, to be killed and that journalists are continuing to pay a very heavy price. The Special Rapporteur has been informed of the following alleged cases:
>
> In September 1993, Saad Bakhataoui, an unemployed journalist, was targeted by four Islamists and Abderrahmane Chergou, an employee of Hebdo libéré, had his throat slit;

In October 1993, Djamal Bouhidel, a photographer, was murdered at Blida; Mustapha Abad, formerly acting director of television, was murdered by a shot in the head; and Smaïl Yefsah, a television journalist, was stabbed outside his home and then shot to death;

In February 1994, Olivier Quemener, a French journalist, was murdered in the Algiers Kasbah while on a reporting assignment and his colleague, Scott Allan White, was seriously wounded;

In March 1994, Majid Yasef, a cameraman working for Hebdo libéré, was shot down and three other persons, including the magazine's editor, were wounded.

Intellectuals are reportedly fleeing the country in order to shield themselves from extremism and avoid being murdered like Youssef Sebti (a poet), Ahmed Asselah (Director of the Higher Fine Arts Academy), Abdelkader Allouala (a playwright), Djilali Belkhenchir (Vice-Chairman of the Committee against Torture) and Salah Djebaili (Rector of the Bab-Ezzouar University of Science and Technology).

It is further alleged that women are being threatened so as to make them respect the Islamic dress code and that a growing number of women have been killed in attacks by Islamists. Katia Benghana, a 17-year-old high school student, is said to have been shot to death at Blida on 28 February 1994 after being threatened for failing to wear the hijab (Islamic scarf).

Foreigners, as one of the Islamists' main targets, have allegedly been forced to leave the country. At least 12 French nationals are reported to have been killed, including 2 members of religious orders in Algiers on 8 May 1994, namely Hélène Saint-Raymond, Little Sister of the Assumption, and Henri Vergès, a Marist brother. It is alleged that 12 Croatian and Bosnian workers of the Catholic faith were murdered in the Tamezguida region on 14 December 1993 and that 7 Russian nationals have been murdered since October 1993, while other foreign nationals have been killed and/or permanently threatened.

According to some reports, not a day goes by without murders, attacks, abductions, destruction of public property, citizens going into hiding to escape threats, intelligentsia leaving the country, etc. A veritable spiral of violence, terror and serious human rights violations caused by the Islamists is said to have seized all sectors of Algerian society."

Germany

In a communication of 20 October 1994 addressed to the German Government, the Special Rapporteur transmitted the following information:

"According to information received, the Church of Scientology is subject to various forms of discrimination.

This discrimination is said to be practised in particular by the political parties.

In December 1991, the Christian Democratic Union (CDU) is said to have adopted a resolution prohibiting Scientologists from becoming members, leading in particular to the exclusion of members from the party because of their religious belief. In addition, the Youth Union, affiliated to the CDU, is reported to have published a brochure entitled 'Insects: No Thank You' with a fly-swatter. The brochure was reportedly distributed at the CDU Federal Party Convention in February 1994.

In February 1993, the Social Democrats (SPD), the Christian Democratic Union (CDU), the Free Liberal Party (FLP) and the STAAT party are said to have declared membership of the Church of Scientology incompatible with the principles of their political parties.

The Special Rapporteur has also been informed of several cases of discrimination:

In Hamburg, the Senate is said to have notified the Hamburg Church of Scientology on 26 March 1992 that it was refusing to rent out rooms to it.

In Baden-Württemberg, the Government of the State of Baden-Württemberg is said to have taken a series of discriminatory measures against the Church of Scientology and its parishioners. These measures allegedly requested the Government to:

Withdraw legal capacity from Scientology organizations;

Start criminal investigations of the Church;

Determine whether being an adherent of the religion could be regarded in the same way as drug dependence;

Expand 'explanatory' campaigns on Scientology in schools and government offices and for the general public;

Prevent Scientology from exerting economic 'influence', in cooperation with the Employers' Association and the Chamber of Industry and Commerce;

Continue to solicit the support of trade unions which have agreed to inform their members about the economic influence of Scientology and to counter that influence through trade union publications attacking anyone following Scientology;

Draw up a complete list of other measures designed to 'reduce the activities of Scientology'.

Identical measures are reported to have been taken in the States of Saarland, North Rhine-Westfalia, Bremen and Mecklenburg-Vorpommern.

According to information received, persons and organizations associated with Scientology have been blacklisted and subjected to an economic boycott. The following cases were brought to the attention of the Special Rapporteur:

> In May 1993, Chick Corea, the jazz musician, was reportedly invited to take part in a concert on the occasion of the World Athletics Championship at Stuttgart. The Government of Baden-Wûrttemberg is said to have cancelled the concert after learning that Chick Corea was a Scientologist.
>
> In March 1992, the administrative director of the State capital Dûsseldorf is said to have distributed a list naming firms employing Scientologists and in particular the Director-General of Dûsseldorf Fair Ltd. In March 1993, it is alleged that the city of Dûsseldorf published an order against the Director-General of the Kempe Ltd. real estate company and cancelled the right of Mr. and Mrs. Kempe to recruit apprentices to learn the trade of estate agent because of their religion.
>
> In 1993, in the State of Rhineland-Palatinate, Werner Nolte, a businessman, was reportedly subjected to a media campaign against his company and his family because of his membership of the Church of Scientology. His partners later broke off their trade relations with the company.
>
> In June 1993, a German television presenter, Thomas Gottschalk, is reported to have been wrongly accused of being a Scientologist. Because of false publicity claiming that he was a Scientologist, he announced publicly that he was not, that he had nothing to do with the Church and that he would break off all relations with a friend who was a Scientologist.
>
> In December 1993, it is reported that three businessmen bought space in a local daily newspaper Husumer Nachrichten to proclaim 'We've had enough!' and that they 'had never had and would never have any relations with the Scientology movement or its organizations ...'. The article is stated to have been signed by directors of local companies and the local pastor. At the end of the article there is said to have been a warning that anyone describing these businessmen as Scientologists or accusing them of being in contact with Scientology or other sects would be sued for 'libel'.
>
> On 19 August 1993 the director of Volksfûrsorge, the public social welfare organization, allegedly informed a trainee, Oliver Freitag, that he would not be employed because he was a member of the Church of Scientology.

The Special Rapporteur was also informed that there had been an increase in acts and threats of violence. The following cases were reported:

> Over the last two years, bomb threats are reported to have been made against virtually every Scientology mission and church: Hamburg (3), Hanover (2), Munich (2), Ulm (2), Frankfurt and Düsseldorf.
>
> On 4 June 1993, it is reported that windows of the building rented to the Church of Scientology in Hamburg and cars in its parking lot were vandalized and covered in paint.
>
> On 12 June 1993, the front of a Scientologist's house was allegedly daubed with the inscription 'Scientologist pig'.
>
> In February 1994, the window of a Scientology mission was reportedly broken by a stone wrapped in a pamphlet which stated that Scientology would be 'destroyed'.
>
> On 24 March 1994, a Scientologist lawyer, Mr. Wilhelm Bluemel, is said to have received a fax stating 'Watch out, your time is coming soon!' and anonymous telephone calls.

The children of Scientologists are also reported to have been discriminated against:

> On 27 March 1994, the two children of a Scientologist, Lydia Walter, aged 6 and 3, were allegedly the victims of discriminatory acts at the local kindergarten. At the initiative of the group called 'Sect Info Essen', the governing board is said to have specifically requested that there should be no contact with Scientologists. The children were reportedly banned by the rest of the school and their parents informed that the children would be sent home unless they signed a sworn written statement that they would not 'promote' Scientology orally, in writing or by any other means. The contract was also to state that their children were not 'welcome' in the kindergarten. A poster in front of the school is said to have read 'We don't want Scientology' and the school allegedly announced that it would hold an anti-Scientology demonstration with the group 'Sect Info Essen' in April 1994."

Saudi Arabia

In a communication of 18 August 1994 addressed to the Saudi Government, the Special Rapporteur transmitted the following information:

> "The Special Rapporteur has been informed that, since 1990, hundreds of men, women and children have been arrested and imprisoned, the majority of them without charge or trial, simply for the peaceful expression of their religious beliefs.
>
> During the past few years, a policy of discrimination against religious minorities, and against Christians and Shiite Muslims in particular, is said to have been gradually introduced.

The Christians reportedly have no place of public worship and the foreigners can practise their religion only in private. According to the information received, Christians participating in private religious gatherings must always do so secretly and be on the alert. Often persons have allegedly been arrested because they were in possession of religious objects such as rosaries, crosses, images of Jesus Christ or the Bible. In addition, it is allegedly strictly forbidden by law to publish or distribute any document deemed incompatible with the Wahabbi interpretation of Islam. These prohibitions have all allegedly been applied with increased rigour since 1990.

The Special Rapporteur has received reports on the following cases:

- On 10 and 12 February 1992, 29 people, including 7 children, were allegedly arrested by Shurta (police) officers and members of the Committee for the Propagation of Virtue and Prevention of Vice, while they were at a meeting in the centre of Riyadh. The majority of them were Indians from Kerala and they were listening to a sermon by someone known as Mr. Ranjan. The 29 individuals were allegedly detained briefly and then expelled. Mr. Ranjan was reportedly ill-treated during his interrogation;

- Early in November 1992, members of the Committee for the Propagation of Virtue and Prevention of Vice reportedly raided the meeting place of the Brotherhood of the Good Pastor at Al-Karj Road in Riyadh. At least two Filipinos, Florance Madriago and Roque Atilon, were reportedly arrested. They were accused of having organized a religious group and were reportedly sentenced to two years' imprisonment;

- In addition to the case of Mr. Michael Cornelius Michael (see report E/CN.4/1994/79), the Special Rapporteur has been informed that in 1993, Mr. Franklin Lomboy, a Filipino citizen employed by Saudi Airlines, was allegedly arrested in Khamir Muchayt, because of his Christian faith.

With regard to the Shiite Muslims, they allegedly cannot distribute any books dealing with Shiism. On various occasions, also, the Council of Ulemas (experts in Islamic law) has allegedly issued fatwas (legal opinions) that were offensive to the Shiite Muslims. In some school text books, the Shiites are reportedly referred to as rafidha (dissenters). Over the past few years, there have allegedly been attempts to force Shiites to convert to Wahhabism. All Shiite religious activities are said to be closely monitored and generally prohibited. Moreover, some Shiites who allegedly criticized the official policy towards their community are said to be regularly arrested, detained and ill-treated.

According to the information received, scores of husseiniyyas (small mosques) have allegedly been destroyed or closed or their construction stopped. No building permits have allegedly been granted for that kind of building with the result that dwelling-houses have reportedly been converted into husseiniyyas. However, the authorities allegedly close or demolish them.

The Special Rapporteur has been informed of the following case:

- On 18 January 1993, police officers of al Mabahith al Amma (Criminal Investigation Department) allegedly raided the home of Abdullah al Marhoun in Al Qatif, alleging that his house was being used as a husseiniyya. Abdullah al Marhoun was reportedly evicted from his home and seals were placed upon the doors. Hussein Salch Abdul Jabbar, the contractor who reportedly built the house was said to have been arrested and briefly detained for questioning.

According to some reports, there is interference with the religious practices of the Shiites.

In February 1993, Sayyid Munir al Khabbag, a well-known scholar in the Shiite community in the Eastern Province, was allegedly interrogated by officers of the al Mababit al Amma and ordered to restrict the number of sermons which he normally preached in the mosques of the Province.

The public use of the turba (holy soil) during prayer is allegedly prohibited. Anyone who disobeys this prohibition could be harassed and his turba confiscated. Books and other documents on non-Wahhabi beliefs, and in particular those favourable to Shiite Islam, are allegedly prohibited. The Ministry of Information reportedly has special responsibility for censoring books, magazines, newspapers and audio and video cassettes. Article 7 (a) of the 1982 Press and Publications Code reportedly prohibits the publication or distribution of any material which challenges 'the origins of Islam and its tolerant Shariah, or is harmful to public morals'. In practice, this provision is allegedly interpreted in a manner that permits censorship of any religious document not consistent with the Wahhabi interpretation of Islam. For example, all the works of the distinguished Saudi scholar, Sheikh Hassan Mussa al Saffar, have allegedly been banned even though they deal chiefly with cultural and religious matters. His book entitled al Huriyya wal Taadudiyya fil Islam (Freedom and Pluralism in Islam) was allegedly banned in 1990.

Several persons have allegedly been arrested, imprisoned and tortured because they were found in possession of books and material about the Shiite faith. On 11 August 1988, Muhammad Jaafar Al Sheikh was allegedly arrested in Damman for having, according to some sources, printed Shiite prayer books at a local printing shop. In another case, Ali Ahmad al Shihab was reportedly arrested at the border with Bahrain and accused of smuggling in 17 copies of 2 books, one of which was a Shiite prayer book. The books were burnt before the investigation and trial. The court of Summary Jurisdiction, which allegedly tried the case, reportedly condemned Ali al Shihab to 8 months' imprisonment and 180 lashes.

Some of the text books for use in Saudi schools reportedly make disparaging references to religious beliefs other than Wahhabi and to Shiite beliefs in particular. One such book, which clearly refers to Shiite religious practices, is said to contain the following passage:

> '... many people do not respect the bans ... and therefore fall into polytheism. They have built mosques and mausoleums which they have made into places of pilgrimage and where they engage in polytheistic practices involving sacrifices and entreaties.'

The book entitled Al Thaqafa al Islamiyya (Islamic Culture), which is included in the curriculum of the King Abdul Aziz University of Jeddah, is more explicit. In a chapter entitled 'The foundations of the Shia Ithna Ashariyya', it is stated that 'some of them (the Shiites) have questioned the validity of the Koran and rejected it'.

The Special Rapporteur has received reports of teachers trying to intimidate and coerce their Shiite pupils into converting to Wahhabism. Muhammad Ahmad al Rabii, 16 years of age, a secondary school pupil in al Awamiya, after a discussion with his teacher of religion, was reportedly threatened with failing his examination. The same teacher was reported to have contacted him afterwards and told him that he would pass the examination if he converted to Wahhabism. Many Shiite pupils and their families have reportedly complained to the highest education authorities.

In recent years, a number of legal opinions tending to discredit Shiism and delivered by Wahhabi scholars have reportedly been officially approved. The fact that many Wahhabi followers regard these opinions as authoritative further disturbs the Shiite community. On 30 September 1990, on the question whether it was right to eat the meat from an animal killed by a Shiite butcher, Sheikh Abdullah bin Abdul Rahman bin Jabreen, who was then a member of the assembly of experts in Islamic law, was reported to have delivered the following legal opinion:

> 'Slaughter by a Shiite butcher is illegal and consumption of the meat thus obtained is unlawful. The majority of Shiites are polytheistic because they always invoke Ali (the cousin and the son-in-law of the Prophet) both in times of difficulty and in times of prosperity ... This is a serious demonstration of polytheism and a renunciation of Islam, deserving of death ...'.

Other legal opinions by Sheik Abdul Aziz bin Abdullah bin Baz, President of the Experts in Islamic Law, have reportedly declared that the Shiites (or al Rafidha, as they are called in official religious terminology) are polytheists and apostates. Legal opinion No. 2008 allegedly states that, since Shiites are polytheists, they cannot be permitted to marry Sunnite women. Legal opinion No. 1661 is said to contain an identical statement.

The Special Rapporteur has also been informed that the Iraqi refugees in the Rafha camp, in the north of the country, are subjected to restrictions on their religious freedom. The occupants of this camp have

> reportedly been split up according to their religious beliefs, with the Sunnites being separated from the Shiites. In 1994, a document written by Sheikh Abu Bakr Jaber al Jagain, entitled Hadhihi Nasihati Ila Kul Shii (Advice to all Shiites), which claimed that the Shiites were apostates and should be converted to Sunnite Islam, was said to have been circulated in the camp. On 10 August 1990, a former refugee from the Rafha camp allegedly stated that the security agents guarding the camp insulted the Shiites, called them apostates and trampled on their holy soil. That situation of religious discrimination allegedly continued throughout 1993.
>
> In addition to the religious discrimination against the Christian and Shiite minorities, the Special Rapporteur was informed of the severe measures taken against any form of peaceful dissent by Islamic groups. On 12 May 1993, the Committee to Defend Legitimate Rights (CDLR), which had been formed on 3 May by recognized and respected Islamic figures, including six Islamic jurists and university professors, was allegedly denounced as a violation of Islamic law and banned by the Council of Senior Scholars. On 13 May, the founders of the CDLR were allegedly dismissed from their government posts and the offices of two lawyers in private practice were allegedly closed by royal order. Dr. Muhammed al Mas'ari, a CDLR spokesman and a physics professor at King Saud University, was reportedly arrested on 15 May for disobeying an order prohibiting the communication of any information on the CDLR to the foreign press. Lawyers sympathetic to the CDLR were allegedly also penalized by having their offices closed. One of them, Sulaiman al Rushudi was allegedly arrested. Sixty university professors close to the CDLR were said to have been dismissed from their posts and/or forbidden to travel.
>
> According to reports received, an Indian journalist, Sivaramy Balaram, was arrested on 11 July 1993 for having published, in a paper called Arab News, a comic strip in which the central character doubted the existence of God and in the end discovered that he existed."

In an urgent appeal of 12 September 1994 addressed to the Saudi Government, the Special Rapporteur transmitted the following information:

> "According to the information I received, Mr. Sherif Fahmy Ishak would have been arrested and detained since the beginning of August for possessing Christian pictures and the Holy Bible in his house in Riyadh.
>
> I would be most grateful to the Government of Saudi Arabia for its views and comments on the allegation I have received".

Austria

In a communication sent to the Austrian Government on 20 October 1994 the Special Rapporteur transmitted the following comments:

> "According to information received, the Jehovah's Witnesses reportedly constituting a community of some 20,000 believers, have been refused any official recognition as a religion despite their requests.

It is reported that, in the absence of a reply to several requests addressed to the Ministry of Education on 25 September 1978, 3 December 1980, 22 June 1987 and 21 July 1990, the Jehovah's Witnesses lodged a complaint with the Constitutional Court on 18 October 1991; that, on 25 June 1992, the Constitutional Court rejected that complaint on the grounds that it was a matter for the administrative jurisdiction; that, on 30 June 1992, an administrative jurisdiction also rejected the complaint which had been referred to it; and that, on 12 October 1993, a further request for official recognition as a religion was submitted to the Constitutional Court, which rejected it on 10 March 1994."

Bangladesh

In an urgent appeal dated 3 August 1994, the Special Rapporteur transmitted the following comments to the Government of Bangladesh:

"According to information received by the Special Rapporteur, Ms. Taslima Nasrin, writer, would be the victim of persecutions by religious extremists and has been forced into hiding.

The Special Rapporteur would like to express his deep concern and would be grateful if your Government would provide him with any relevant information as well as with its views and observations."

On 4 August 1994, the Permanent Mission of the People's Republic of Bangladesh to the United Nations Office at Geneva transmitted the following information concerning the above allegations to the Special Rapporteur:

"I have the honour ... to state that the information received by you about Ms. Taslima Nasreen is not correct. In fact, Ms. Nasreen, who had been hiding since 4 June 1994 following the issuance of a warrant of arrest against her, surrendered before the High Court on 3 August 1994 and was granted bail."

In a communication dated 23 August 1994 to the Government of Bangladesh, the Special Rapporteur transmitted the following information:

"According to the information received, religious minorities, mainly Hindu, Christian and Buddhist, have been the victims of acts of religious intolerance, committed mainly by Muslim extremists.

In addition to the incidents of December 1992 affecting the Hindu community (report E/CN.4/1994/79, para. 36), the Special Rapporteur was informed that in June 1993 Muslim extremists again reportedly committed acts of violence against Hindus at Rajahadi and allegedly caused the destruction of the Rath Jatra festival. In July 1993, a Procession in celebration of Lord Krishna's Birthday was allegedly also violently attacked by Muslim extremists, and hundreds of Hindus were injured. In August 1993, 14 Hindu students are said to have protested against these attacks in an attempt to demand justice, but were imprisoned by the police.

The Muslim extremists were reportedly also responsible for serious attacks on non-Muslim religious minorities, including murders, abductions, rape, looting, extortion and destruction of property, and threats to make them leave the country.

It was alleged that a policy of discrimination was being used against those minorities, in particular with regard to public employment.

The Special Rapporteur was also informed that the writer, Mrs. Taslima Nasrin had been accused of blasphemy and sentenced to death in October 1993 by a group known as the "Council of the soldiers of Islam" from the north-eastern town of Sylhet. Mrs. Nasrin is said to have received serious threats on account of her novel Lajjya (Shame) which depicts the situation of a Hindu family forced by Muslim neighbours to leave Bangladesh following the destruction of the Babri Mosque in India.

The extremist group has allegedly offered $1,250 for the killing of the writer and her work is reported to have been officially banned by the authorities. Mrs. Nasrin had already allegedly received death threats from the 'Council of the soldiers of Islam' on 23 September 1993 and reportedly requested protection from the Khaka police and the authorities. Since she was unable to obtain satisfaction, she is said to have appealed on 6 October 1993 to the Chief Metropolitan Magistrate, who granted her a protection order. According to information received, in May 1994 a Muslim dignitary, Moulana Amini, issued a second fatwa against Mrs. Nasrin, accusing her of having stated in an interview published in the Indian newspaper The Statesman of 9 May that the Koran should be revised completely with respect to women's rights. Moulana Amini reportedly declared that the writer's statement was even more 'filthy' than that of Salman Rushdie in The Satanic Verses. He is also said to have demanded the arrest and execution of Mrs. Nasrin.

Azharul Islman, the leader of an Islamic political party, is also said to have accused the author of being 'an apostate appointed by the imperialist forces to vilify Islam'. At least 5,000 members of the Jamaiat Islamic party are reported to have demonstrated in Dhaka with banners demanding that all blasphemers of Islam should be hanged. The party leaders allegedly threatened the authorities with causing disturbances if Mrs. Nasrin were not arrested.

Mrs. Nasrin is reported to have stated that her remarks had been incorrectly reported, and to have written to the Indian newspaper The Statesman on 11 May to confirm that she had not expressed the view that the Koran should be modified. Following publication of this confirmation and its reproduction in a number of newspapers in Bangladesh, Mrs. Nasrin reiterated her position to the newspapers on 18 May, explaining that, in referring to modification of the Shariah with a view to ensuring equality of the sexes, she had made no suggestion that the Koran should be revised.

On 3 June at least 3,000 Muslim extremists are reported to have carried out a protest and called for the killing of Mrs. Nasrin. The

> fundamentalist party Jamaat-e-Islam's daily newspaper Sangram allegedly reported that members of 'Towhidi Jagrata Janata' ('Rising Faithful') had warned that they would kill Mrs. Nasrin if they found her. Members of the Nationalist Party of Bangladesh are also said to have called for punishment of the writer.
>
> According to some reports, the chief of the Motijheel police station in Dhaka filed a complaint against Mrs. Nasrin on behalf of the State under section 295 A of the Criminal Code, which provides for a maximum sentence of two years' imprisonment and a fine for 'deliberate and malicious acts intended to outrage the religious feelings of any class or citizen by insulting its religious beliefs'. As a result, the Metropolitan Magistrate reportedly issued an arrest warrant. According to the information received, Ms. Nasrin, fearing persecution by religious extremists, was allegedly obliged to go abroad."

Benin

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following information to the Government of Benin:

> "The Special Rapporteur has been informed that it has allegedly been officially decided to suspend for three months the activities of a Christian group accused of disturbing public order. An order of 21 May 1993 apparently stated that the Union of the Rebirth of Men of Christ was responsible for 'doubtful practices' threatening the peace and safety of the population. The members of the religious group were allegedly accused of destroying voodoo temples."

Belarus

In a communication dated 21 October 1994 addressed to the Government of Belarus, the Special Rapporteur transmitted the following comments:

> "The Special Rapporteur has received information stating that the religious organization called the 'International Society for Krishna Consciousness' of Minsk Centre is being subjected to acts of religious intolerance intended to restrict its activities.
>
> In particular, the Krishna Society is said to have been refused a site for its annual festival. It is also alleged that printers in Minsk have refused to print its publications and that the media present a negative image of the Society and do not provide any opportunity for it to exercise its right of reply.
>
> Many other religious associations are apparently being denied registration by the authorities. About 50 Protestant organizations are reportedly concerned and Catholic priests from Poland are not being authorized to preach on the grounds that they are not nationals."

Bhutan

In a communication dated 28 September 1994 addressed to the Government of Bhutan, the Special Rapporteur transmitted the following comments:

> "According to the information received, Christianity is officially banned, in particular pursuant to the resolutions adopted by the National Assembly at its thirtieth session in 1969 and its fifty-first session in 1979. It is claimed that Christians are ill-treated and compelled to leave Bhutan.
>
> The following case has been drawn to the attention of the Special Rapporteur and summarized as follows: Mr. Dal Jit Rai, assistant to the head of the village of Kikhorthang in Chirang district, was allegedly dismissed on the orders of the Dzongda because he is a Christian. In addition, on 25 December 1992, when Mr. Dal Jit Rai was celebrating Christmas with other Christian families, a former policeman is said to have photographed them at prayer. After this incident, the worshippers were summoned by the village head who reminded them of the ban on practising Christianity and took them to the Dzongda. The Dzongda is reported to have reaffirmed the strict ban. Shortly afterwards, three Christians, Harka Bahadur Chimery, Raju Lama and Bhin Thapa were allegedly beaten during interrogation. All Christian families were allegedly forced to sign an appeal for permission to leave the country. On 5 February 1993, the Christians are reported to have been expelled and to have sought refuge on 13 February 1993 in a camp in Nepal."

In reply to the allegation reproduced above, the Government of Bhutan transmitted the following information to the Special Rapporteur on 17 November 1994:

> "As you know, there are two religions practised by the people of Tsirang - Hinduism by the Lhotshampas and Buddhism by the Northern Bhutanese and some of the Lhotshampas. In the recent past, Christianity had made some inroads into the district because of the close interaction between the local people and the Christian missionaries across the border in Assam and West Bengal, India. Christianity was being propagated mainly from the border towns of Jaigaon in West Bengal and Dathgari in Assam. Money, gifts and scholarships were being used as incentives for people to convert to Christianity. Selected converts were used to preach and convert others in their villages in Tsirang.
>
> The local Hindu population deeply resented the continuous attempts by these persons to preach and convert them to a different faith. The matter was tabled by the representatives of the various blocks of villages during the Fifty-eighth Session of the District Committee (DYT) meeting on 27 September 1992. As the matter could not be resolved at the DYT meeting, it was brought up by the people's representatives of Tsirang during the Seventy-first Session of the National Assembly in October-November 1992. Although the people's representatives from Tsirang and other southern districts called for a ban on Christianity, the National Assembly resolved that the matter should be dealt with in accordance to the resolutions of previous Assembly Sessions, namely the

resolutions passed during the Thirtieth Session in 1969 and the Fifty-first Session in 1979. The Seventy-first Session of the National Assembly directed the District Development Committees to deal with such matters in accordance with these resolutions. The essence of these resolutions is that, while a person can practise any religion privately in his home, attempts to convert others to a different faith are strictly forbidden.

On 25 December 1992, Christian families in Tsirang gathered in Tshokhana and Kikorthang gewogs to celebrate Christmas. In Kikorthang more than 50 Christians had gathered in the house of Dal Bahadur Rai of Salami village. After prayers were said, a dance and drama programme was staged. The village volunteers who were patrolling the area round 6 p.m. to guard their villages against terrorist raids asked the Christians to disperse before dark. The Christians refused and a quarrel broke out. The village volunteers reported the matter to the gup who sent the male Christians with the volunteers to the Dzongda. The Dzongda told the Christians that it was not advisable to move about at night because of the disturbed situation and the threat of terrorist raids. He advised them to go back to their villages.

In Tshokhana the celebrations were carried out in the house of Shivalal Gurbachan at upper Tshokhana. After prayers inside the house, the Christians who had congregated from nearby villages and other gewogs, staged religious dramas and danced in the open ground outside the house. Tape recorders played songs at full volume. Village volunteers who were patrolling the area round 8.30 p.m. asked the Christian families to stop the celebrations and disperse as the gathering was unauthorized. The families refused and a heated argument ensued. The matter was brought to the attention of the gup who reminded the families that according to the National Assembly resolutions they should practise their religion privately and not publicly.

No person in connection with the two incidents was beaten up or interrogated as alleged. Nor was any action taken against any of the Christians. No Christian family was forced to apply for permission to leave the country and no one was expelled on 5 February 1993 as alleged. It is surprising how Christians from Tsirang could have sought refuge in Nepal on 13 February 1993, as the applications of those Christians who did apply for emigration were confirmed and endorsed by the DYT only on 19 May 1993.

The first applications by Christians to emigrate were submitted on 6 January 1993, by four Christian families. They were followed by several more applications. On 19 May 1993, the District Development Committee sought confirmation from each of the applicants as to whether they still wished to emigrate. On receiving further information from the applicants the DYT endorsed their applications to emigrate. It was only subsequent to this that 9 families and 22 individuals emigrated and left Tsirang.

A total of 102 Christians have left Tsirang. Among them are Dal Jit Rai of Beechgaon village under Dunglagang gewog, Harka Bahadur Ghimerey of Salami village under Kikorthang gewog, Bhim Bahadur Mongar of

Gopini village under Dunglagang gewog and Bhim Bahadur Mongar of upper Tshokhana village under Tshokhana gewog, all of whom emigrated after the DYT meeting endorsed their application on 19 May 1993. Bhim Thapa mentioned in the allegation is probably Bhim Bahadur Mongar of Gopini or Bhim Bahadur Mongar of upper Tshokhana. No record of a Raju Lama in Tsirang could be found.

The allegation that Christians are ill-treated and compelled to leave Bhutan is baseless and false. It is true that our Lhotshampas of Tsirang and other districts in Southern Bhutan are deeply resentful of the efforts by missionaries across the border to convert them from Hinduism to Christianity. They even brought the matter to the National Assembly in 1992 as I have mentioned above. However, the National Assembly did not accept their request to ban Christianity. In fact, both His Majesty the King and the Home Minister recommended that the matter should be dealt with in accordance with previous Assembly resolutions which allow a person to practise any religion in his or her home and only prohibits attempts to convert persons to a different faith. I have attached copies of Resolution 19 of the Thirtieth Session in 1969 and Resolution 16 of the Fifty-first Session of the National Assembly in 1979. I have also enclosed Resolution 26 of the Fifty-sixth Session and Resolution 12 of the Seventy-first Session of the National Assembly in 1992 for reference. Please convey to those concerned that the allegation received is malicious and politically motivated.

Proceedings and resolutions adopted at the Fifty-sixth Session of the National Assembly, held from 25 June 1982 to 1 July 1982

26. Matter regarding preservation of religion, culture and traditions

The Chimi of Daifam stated that the main traditional religion in Bhutan is Buddhism expect for Hinduism in the South. These religions have been well preserved and have been the basis of strong religious and cultural values which have contributed to peace in the country. He proposed that in future, the introduction of other religions like Christianity and Islam or adoption of any alien culture and tradition should be totally banned in order to preserve the existing religions, culture and tradition.

In response, the Director of Education stated that he fully supported and appreciated the views expressed by the public representatives. He added that the importance of preserving our own religion, culture and tradition had been discussed in the previous session of the National Assembly. The Department of Education for its part, to preserve the religion, culture and tradition, had introduced a special subject in all schools. With regard to discipline, the Director informed the National Assembly that wherever school teachers enforce strict discipline in the schools, complaints are made by parents and the general public with a request either to dismiss or transfer such teachers. He further stated that the task of teaching religion, culture and tradition and maintaining discipline among students was the responsibility of both the teacher and the parents. He appealed for cooperation from both the parents and the public.

Most Chimis agreed that it was important to preserve our religion, culture, traditions and discipline in Bhutan. They stated that traditions and discipline were being well maintained in the outlying Dzongkhags and remote places. However, they were deteriorating in schools and government departments in towns. They proposed that the Ministry of Home Affairs, the Police and the Department of Education should ensure that traditions and discipline were maintained by the public and students.

The National Assembly resolved that all ministries and heads of departments should emphasize the importance of preserving religion, culture and traditions and maintain strict discipline among staff and students.

Proceedings and resolutions adopted at the Fifty-first Session of the National Assembly held from 18 to 29 November 1979

16. Preaching of Christianity prohibited

The Member for Bongo and Gyeta pointed out that Bhutan is a Buddhist country but there are a few people who follow the Christian religion, particularly in schools where some Fathers preach Christianity. The Christian religion, he said, is not only contradictory to Buddhism, but in the long run would harm the unity of our country because of the differences in faith. Thus, he requested the Assembly to ban the preaching of this religion. The majority of the members supported this view.

The Secretary of the Planning Commission explained that the Government had already laid down the following principles.

(a) Christians are not allowed to preach their religion in public;

(b) Only academic studies are to be taught in schools and no Christian religion and practice are to be taught;

(c) Christians are allowed to practise their religion in their homes;

(d) Any person found preaching Christianity in public shall be expelled from the country.

The National Assembly resolved that the preaching of Christianity in public shall be banned. Moreover, the existing morning and evening prayers in some of the schools shall be stopped.

Resolution adopted during the Thirtieth Session of the National Assembly of Bhutan held on 27 May 1969 corresponding to the 11th day, 4th month of the earth bird year

19. Matters relating to the reincarnation of foreign lamas in Bhutan

Bhutan being a Buddhist country, it was apprehended that in future many Tibetan lamas may reincarnate in Bhutan. In order to avoid embarrassment, the Assembly noted that if any Tibetan lama reincarnated in Bhutan, those coming to recognize the reincarnation should report the matter to the Government and be accompanied by representatives of the monk bodies, two government officials, and the village headman of the village where the birth took place, to carry out the following tests:

(i) The reincarnated lama (Trulku), between 3 to 5 years of age, should be able to recount details of his previous life.

(ii) He should be able to identify items of his personal possession in the previous life from many similar objects.

If the Trulku was found to be genuine, and decided to leave the country with those recognizing him, he would forfeit his citizenship on the very day he left the country. In the event that his parents desired to visit the Trulku and return thereafter, they were to obtain the necessary permission from local Dzongda. If the Trulku wished to return to Bhutan, he would be required to obtain a permit like any other foreigner entering the country. He would be permitted to stay at the place of his birth, but he would neither be permitted to introduce any new religious system nor to set up any new monastery or monk body. Trulkus desiring to stay in Bhutan and wishing to join the monk body would be governed by the rules and regulations of the country's monk body.

Proceedings and resolutions of the Seventy-first Session of the National Assembly of Bhutan

12. Ban on Christianity

The people's representative of Chirang Dzongkhag requested the National Assembly to ban Christianity in Bhutan and that people already converted should be stopped from practising the religion. They said that Christianity was spreading in Chirang and becoming a serious problem. Bhutan being a small country should not have too many religions. Buddhism and Hinduism which were the two recognized religions of the country were brother religions. The introduction of other religions would create serious social problems. Already family strife was taking place due to differences of religious beliefs among family members. The people's representatives said that they had heard that many emigrants who had left Bhutan and gone to the camps in Jhapa, Nepal were being converted to Christianity with incentives of Rs.500/- and assurances of further rewards. Word was being spread in Chirang that potential emigrants should convert to Christianity so that it would be convenient for them when they arrived in Jhapa.

The people's representative from Kalikhola stated that according to the resolutions of earlier sessions of the National Assembly, Buddhism and Hinduism were the only two recognized religions of Bhutan. However, as the Government had not taken any note of the situation, Christianity was spreading along the border areas and creating serious social problems.

The Samdurpjongkhar chimi pointed out that Buddhism and Hinduism were the only two recognized religions in the country; allowing other religions would result in serious problems for the country. For the benefit of future generations, he requested the National Assembly to pass a resolution that no other religion would be allowed in Bhutan.

Several people's representatives stated that countries all over the world had their own different religions, customs and laws. Bhutan, too, should allow and uphold only those religions that have traditionally been recognized. If proselytizing of other religions were allowed it would cause sectarian friction which would lead to serious social problems.

The Home Minister pointed out that the practice of religions other than the ones already recognized had been discussed several times in previous sessions of the National Assembly. During the Thirtieth Session of the National Assembly in 1969, it had been resolved that no religions other than the ones already recognized would be allowed in the country. Also, according to Article 16 of the Fifty-first Session of the National Assembly, while all other religions could be practised privately, no proselytizing would be allowed. He, therefore, recommended that the house should direct the Dzongkhag Yargye Tshogchungs to decide on the matter in accordance with the Thrimshung Chenpo and the resolutions of the previous sessions of the National Assembly.

The representative of the Dratshang Lhentshog pointed out that all religions were good and existed for the benefit of sentient beings. The problems in the world that have been related to religion did not arise from the religions themselves but were caused by the shortcomings of the practitioners. He therefore proposed that, as recommended by the Home Minister, the existing laws and Assembly resolutions should form the basis for all steps taken to ensure that no sectarian problems arose in Bhutan.

Other people's representatives pointed out that if proselytizing of different religions were allowed in a small country like Bhutan, it would create social disharmony and might even harm the security and sovereignty of the country due to misunderstandings over religion with big countries. Buddhism and Hinduism were two brother religions in harmony with each other. The practice of different religions in the country would create disharmony and problems would arise as pointed out by the Lhotshampa chimis.

The Dagapela chimi pointed out that although Buddhism and Hinduism had the same origin, because there were differences in practice a few difficulties did arise at times. But Christianity being totally different from these two religions, the problems which had already started to arise in Chirang because of the spread of Christianity would disrupt social harmony throughout the country if no timely steps were taken. He therefore proposed that the resolution taken during the Fifty-first Session of the National Assembly on the practice of different religions should be strictly implemented.

The Chirang Dzongda said that the DYT had received reports that there were many Christians trying to convert people to Christianity. This had resulted in frequent problems between Christians and Hindus in the Dzongkhag. The Dzongda reported that bibles printed in Nepali were being sent from Thimphu and distributed to the people. Accordingly, the DYT had decided to request the National Assembly to ban Christianity.

His Majesty the King informed the Assembly that the issue of allowing different religions in the country had been thoroughly discussed during the Thirtieth Session of the National Assembly in 1969 and also during the Fifty-first Session in 1979. The issue was also clearly covered by the Thrimshung. If these resolutions and the law were followed, the issue could be taken up by the Dzongkhag Yargye Tshogchung and there would be no need for the Assembly to promulgate any new law.

The Assembly resolved that copies of the resolutions of the previous sessions of the National Assembly and the clauses of the Thrimshung pertaining to religion would be distributed to the chimis. The matter should thereafter be taken up in the concerned DYTs and dealt with accordingly.

Explanation of terms

1.	Gewog	-	Block, smallest administrative unit
2.	Gup	-	Elected member of village who serves as both Chairman, Block Development Committee and village elder
3.	Dzongkhag	-	District (there are 20 districts in the country)
4.	Dzongda	-	District Commissioner
5.	Dzongkhag Yargye Tshogchung (DYT)	-	District Development Committee in which all members are elected. The only non-elected members are the Dzongdag and one officer representing the government development agencies
6.	National Assembly	-	National legislative body comprising of 150 members
7.	Chimi	-	Member (elected) of the National Assembly
8.	Dratshang Lhentshog	-	National Council of Monks

9.	Thrimshung Chenpo	- The law of Bhutan
10.	Lhotshampas	- Ethnic Nepalese who comprise the main population in the four southern districts
11.	Chirang/Tsirang	- Southern district where 95 per cent are Hindus
12.	West Bengal & Assam	- States of India contiguous to Bhutan
13.	Lama	- Buddhist monk."

Bulgaria

In a communication dated 31 August 1994, addressed to the Government of Bulgaria, the Special Rapporteur transmitted the following information:

> "According to information received, 24 sects are said to have been officially declared illegal by the Cabinet Council in 1994, and the following in particular: White Brotherhood, Angels of Salvation, Soldiers of Christ, Soldiers of Justice, Wassan, Emmanuel, Gedeon, Salvation and Jehovah's Witnesses.
>
> A climate of religious intolerance is reported to be affecting the Jehovah's Witnesses in particular. This is being fostered by the mass media, which are allegedly conducting a smear campaign by, for example, describing Jehovah's Witnesses as child murderers or the devil and demanding that they should be banished. During a radio broadcast, an appeal was reportedly made to the population to cooperate in driving the Jehovah's Witnesses out of Plovdiv.
>
> Jehovah's Witnesses are reported to be the object of threats and acts of violence. Two female Jehovah's Witnesses were allegedly beaten up in the street and the police apparently refused to report the incidents. In addition, two young ministers were reportedly prevented from leaving their homes and were threatened with imprisonment and death.
>
> It is also reported that the followers of Hare Krishna have been physically attacked in the street and have difficulty in obtaining adequate police protection.
>
> Evangelists also face numerous obstacles in obtaining visas and residence permits and are also subjected to threats. In particular it is reported that a bomb threat was made in connection with the opening of an evangelical college.
>
> The following case was also brought to the Special Rapporteur's attention:

> On 15 April 1994, Father Yorolan (Bancho) Petrov, a married priest and father of three, is reported to have been shot through the heart in front of a mosque in the village of Surnitsa, in the Velingrad region, by a municipal policeman, Viktor Duvkov. Father Petrov is said to have been a former member of the clergy of the Patriarchate of Bulgaria who joined the Old Calendarist Greek Metropolitan Cyprian of Oropos and Fili several years ago after severely criticizing the Patriarchate.
>
> Father Petrov is reported to have gone to Surnitsa to buy a car from Mr. O. Olikanov, whom certain information later identified as an employee of the Department of Security and Protection under the former regime. Not finding Mr. Olikanov, Father Petrov apparently looked for a bank where he could deposit the money he had intended to use to pay for the vehicle. Failing to find one, he apparently decided to make some purchases, including logs of wood for a church in Sofia. However, Muslim extremists had allegedly called the police to report that a man in a cassock was going around the town in a suspicious manner. On leaving the town, near a petrol station, Father Petrov seems to have been violently accosted and pursued by two men in civilian clothes armed with a submachine gun and a pistol. The priest regained the town and apparently stopped in front of a mosque where he was killed by Mr. Duvkov, one of the two assailants identified as belonging to the police.
>
> The Special Rapporteur was also informed that an act of February 1994 was apparently adopted to provide a legal framework for religious activity, particularly that of sects, and that a decree which came into force in Plovdiv in March 1994 reportedly made religious activities subject to certain restrictions.
>
> The Special Rapporteur would like to receive these texts, together with any pertinent comments which the Government of Bulgaria may wish to make."

On 10 November 1994 the Permanent Mission of Bulgaria transmitted the following information in reply to the allegations mentioned above:

> "The Government of Bulgaria complies strictly with the provisions of the International Covenant on Civil and Political Rights and other international human rights instruments incorporated into the Bulgarian Constitution. The right to freedom of worship is not and cannot be restricted, except in the cases set out in article 13.4 ('Religious institutions and communities may not be used for political purposes') and article 37.2 ('Freedom of conscience and religion may not be practised in a form detrimental to national security, public order, public health and morals, or the rights and freedoms of others') of the Constitution of the Republic of Bulgaria, and article 9.2 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The liberalization of Bulgarian legislation which took place after 1989 following the repeal by the Constitutional Court of several provisions of the Worship Act which infringed the Constitution, has resulted in legal texts being brought strictly into line with international human rights norms. At the

same time it has enabled a number of 'charismatic' sects which are not recognized in other European countries and are negatively regarded in the rest of the world to become established in Bulgaria.

Early in 1994, the National Assembly of the Republic of Bulgaria adopted an act amending the Persons and Family Act, which was published in Official Bulletin No. 15/1994.

The Persons and Family Act does not deal with worship, which is covered by the Worship Act, but with associations and foundations which represent non-profit-making bodies engaged in religious activities and religious education.

The new article 133a of the above-mentioned Act concerning such associations and foundations reads as follows: 'Non-profit-making bodies which are engaged in an activity relating to worship, in a religious activity or in religious education shall be registered in accordance with the order set out in this chapter once the approval of the Council of Ministers has been obtained.' In accordance with the transitional provisions of the Persons and Family Act, (1) 'The non-profit-making bodies referred to in article 133a which have already been registered shall obtain a new registration the application for which shall be filed by their governing bodies within the three months following the entry into force of this Act, with the approval of the Council of Ministers,' and (2) 'The registration of non-profit-making bodies which do not comply with the conditions of the previous paragraph shall be withdrawn and their activities suspended.'

In amending the Persons and Family Act, legislators have endeavoured to prevent failure to comply with the Worship Act on the part of associations the objectives of which are concerned with worship, but whose statutes and activities infringe Bulgarian legislation.

In implementation of the Persons and Family Act, the Council of Ministers approved a new registration procedure on 25 June 1994 for 22 religious associations previously registered as non-profit-making bodies under the said Act.

As a result, on 25 June 1994, 30 denominations and 22 associations and foundations engaged in religious activity and religious education had been legally registered in Bulgaria (in 1989 4 denominations were registered).

The associations and foundations which have not received the approval of the Council of Ministers for a new registration - a total of 24 - have statutes containing provisions which infringe Bulgarian legislation and thus are subject to the limitations referred to in article 9.2 of the Convention for the Protection of Human Rights and Fundamental Freedoms and reproduced in article 37.2 of the Constitution of the Republic of Bulgaria, or have submitted documents containing some irregularity. The Council of Ministers considers the registration documents in accordance with the procedure laid down by the law and its decisions, adopted following consultations with all the competent bodies and once they have been shown to be legally sound, are published in the Official Bulletin. These decisions do not contain value judgements on the doctrines of the religious communities from a theological point of view, but take account only of the requirements of the law.

No one can be prosecuted for his religious beliefs in Bulgaria, but the State is legally empowered to determine whether, through registration, a religious community may acquire the privileged status of a denomination as provided for by the law. If a religious community is not registered, the individual rights of its members, particularly with regard to the choice of religion, are not thereby infringed. The Government is persuaded that the freedom to choose a religion cannot be made subject to any legal sanction. It is a fundamental right of the individual, bound up with his own personal spiritual inclinations.

The Bulgarian Government has no information concerning specific allegations about acts of repression directed against members of the Jehovah's Witnesses. It should be explained that the prohibition of blood transfusions contained in their doctrine constitutes a direct threat to the health of Bulgarian citizens, while the refusal to take an oath to the Bulgarian flag infringes the Universal Military Service Act and thus affects State security.

The decree quoted, issued by the municipal council of the city of Plovdiv in March 1994 and imposing illegal restrictions on the activities of religious communities, was repealed by an order of the prefect of Plovdiv, following a proposal by the Department of Worship to the Council of Ministers.

The conflict between the members of the International Society for Krishna Consciousness (a legally registered denomination) and the inhabitants of the district of Philipovtzi, Sofia, was resolved when the Department of Worship stepped in.

In order to prevent any recurrence of this type of problem, the Department of Worship has put forward a proposal for the drafting of a new order on the registration of the local chapters of denominations, establishing the registration procedure and guaranteeing their rights.

It is, however, a fact that some of the mass media put out negative value judgements, which are not always very balanced, with regard to certain religious communities practising in Bulgaria. In the context of freedom of opinion and expression and of the freedom of the press, and bearing in mind that the Constitution prohibits censorship, the Bulgarian Government is seeking to persuade the mass media of the need to show greater tolerance and competence in their approach to problems relating to religious denominations.

All the Protestant denominations in Bulgaria, of which there are 21, are registered as such in accordance with the law. The Government's efforts here are aimed at ensuring their freedom of action so that they cannot be described as 'sects' infringing the rights of their followers.

> The tragic incident in the village of Surnitsa, commune of Velingrad, where Father Petrov was gunned down on 15 April 1994 by the person referred to in the annex to your letter, is under judicial investigation and all the pertinent documents are before the competent bodies. Once the inquiry is closed, the documents will be made public. It can already be said that this is a serious crime, the motives for which will soon be discovered."

Canada

In a communication dated 20 October 1994, the Special Rapporteur transmitted the following comments to the Government of Canada:

> "According to the information received, Paul William Roberts, an English writer and expert on Islam, was reportedly stabbed at his home on 12 May 1994, the day his novel, The Palace of Fears, was published. Two days before the attack, his publishers, Random House, received two letters accusing him of blasphemy for having included quotations from the Koran in his book alongside references to sex and blasphemy. He is reported to be hiding following this attempt to kill him."

Cyprus

In a communication of 18 August 1994 addressed to the Government of Cyprus, the Special Rapporteur transmitted the following information:

> "Reports have been received of violations of the right to conscientious objection.
>
> The Special Rapporteur has been informed that the House of Representatives passed an act in January 1992, recognizing the right to be a conscientious objector and providing for 'unarmed military service' inside or outside military camps. However, the provisions of this act allegedly do not conform to international norms, in many respects. It is not clear from the text whether service performed outside military camps is strictly civilian. It is of 42 months' duration, which appears punitive compared to the normal 26 months of military service, particularly as conscientious objectors must complete additional service of a duration equivalent to the periods of reserve duty. Furthermore, the right of persons eligible for military service to opt for a substitute service is reportedly suspended during states of emergency or periods of general mobilization.
>
> According to some reports, in 1992, 15 conscientious objectors, who were Jehovah's Witnesses, were imprisoned for periods of up to 15 months. In particular, Christakis Ionathan Christoforou was allegedly sentenced in November 1992 to one year's imprisonment for having refused to do his military service. Athinakis Zinonos was reportedly sentenced to 15 months' imprisonment in December 1992, on the same grounds. It was reportedly the second time in two years that the two men had been sentenced to imprisonment for having refused to do their military service.

In July 1993, 28-year old Georgios Anastasi Petrou, from Strogolos in Nicosia, was reportedly sentenced to six months' imprisonment. Nese Yasin, a Turkish Cypriot poet and writer was allegedly detained for 24 hours, on 28 September 1993, for his prominent role in the support committee to protest against the detention of the conscientious objector, Salih Askerogul. The latter was said to have been arrested on 27 September 1993 and condemned early in November to three years' imprisonment on a charge of spreading propaganda against the security forces. Upon his release, Nese Yasin was reportedly subjected to close police surveillance.

Cuba

In a communication dated 17 August 1994 addressed to the Government of Cuba, the Special Rapporteur transmitted the following information:

> "The Special Rapporteur has been informed that serious attacks on the right to freedom of religion of Jehovah's Witnesses and Seventh Day Adventists have apparently continued. In 1993, the Jehovah's Witnesses were allegedly accused of clandestine printing after searches of their homes revealed the existence of religious material. Some Jehovah's Witnesses have also reportedly been accused of forming illegal associations after holding religious meetings. They are also said to have been accused of contributing to juvenile delinquency, 'not complying with duties related to respect and love of country', and 'abuse of the freedom of religion' after refusing to honour the symbols of the Cuban State because of their religious beliefs. The Jehovah's Witnesses and Seventh Day Adventists, considered as active religious enemies of the revolution, are alleged to be under surveillance and frequently ill-treated by the Committee for the Defence of the Revolution (CDR).
>
> The following cases were brought to the attention of the Special Rapporteur: several Baptists were reportedly arrested early in February 1994 and accused of 'counter-revolutionary activities'. On 1 February 1994, two security agents in civilian clothes reportedly went to the Salvador Allende Hospital in Havana and took Dr. Eliezer Veguilla (aged 35) away to an unknown destination. Dr. Veguilla is said to be a lay leader of the World Brotherhood of Baptist Youth. On 3 February, his family reportedly heard that he was being held with other Baptists in Cienfuegos. After six weeks of pre-trial detention, Dr. Veguilla was apparently released without explanation. The other Baptists arrested appear still to be detained.
>
> According to numerous reports, the authorities are endeavouring to restrict and control religious activities. It seems that all religious organizations must be registered and officially recognized. In addition, the authorized religious organizations are reported to be able only to carry out their activities in officially-designated places of worship. The building of new churches is reportedly forbidden, thus obliging many believers to meet in private. Religious holidays have apparently been banned since 1961. In addition, religious processions are allegedly not permitted outside places of worship, nor may religious organizations have access to the mass media."

Egypt

In a communication dated 21 October 1994 addressed to the Government of Egypt, the Special Rapporteur transmitted the following allegations:

> "The Special Rapporteur has been informed that acts of violence committed by Islamic fundamentalist groups have greatly increased in number. They allegedly committed 137 assassinations in the course of 1993, the main targets being representatives of the State, the national security forces, Egyptian Coptic Christians and foreigners.
>
> Since March 1992, more than 138 policemen have reportedly been killed by Muslim extremists. On 13 May 1994, for example, three policemen are reported to have been killed and another injured in the region of Asyut in Upper Egypt. In 1993, at least 26 civilians were allegedly killed in bomb attacks by extremists, who also claimed to have carried out the attempted assassinations of Prime Minister Atef Sedky, in November 1993, the Minister of the Interior, Hassan Al-Alfi, in August 1993, Army General Othman Shahine in Cairo in July 1993 and the Minister of Information, Safwat Al-Scherif, in April 1993, as well as the assassinations of Abdel Halim Ghobara, Qena Governorate Deputy Director of Security, Brigadier-General in August 1993 and Mohamed Abdel Latif El-Shimi, Asyut Governorate Deputy Director of Security, Brigadier-General, in April 1993.
>
> The Copts are said to be regular victims of violence, attacks and killings (dozens of killings were reported for 1992-1993). The Rapporteur was informed of the following cases: on 3 January 1993, a Coptic church was allegedly burnt down at Dairut. Next day, in the same town, a Coptic share-cropper is reported to have been murdered and a Coptic pharmacist seriously injured. In September 1993, a Coptic jeweller was allegedly murdered and robbed of his gold. In April 1993, at Asyut, Muslim extremists reportedly tried to kill a Coptic writer, Shehata Guirgis. Two young Copts, Adil Bushra Agab (22 years of age) and Rafiq Atif Ibrahim (20 years of age) are reported to have been murdered in the streets of the town of Meir on 26 February and on 1 March 1994, in an attack by Muslim fundamentalists on the Monastery of the Virgin in the province of Asyut, a priest, a monk and three visitors are reported to have lost their lives while three other persons were seriously injured. The priests are apparently regularly subjected to threats and demands for money by Muslim fundamentalist groups.
>
> The military personnel assigned to protect the Coptic churches in the Governorate of Asyut and Al-Minya in Upper Egypt were reportedly withdrawn following numerous fatal attacks on the soldiers by the Muslim fundamentalists of the Al-Gamaa Al-Islamiya movement. The Copts would seem to be in an unsafe position, but the necessary preventive measures have not always been enacted or implemented, any more than have proceedings against the perpetrators of the violations.
>
> Pastor Williams (35 years of age), a member of the Assemblies of God of Izbit-al-Sabh, was allegedly subjected to three unsuccessful

attacks by Muslim extremists, on 8 August 1993, 30 November 1993 and 22 March 1994. These repeated attacks seem to show that Pastor Williams has been targeted to be killed at all costs.

Religious extremism is also reported to be manifest in schools, despite the directive of the Ministry of Education. In some schools, Christian and Muslim children have allegedly been separated and have no common activities. In others, Christians are said to be subjected to constant victimization and pressure. In March 1993, the two-week expulsion of four pupils from a secondary school for playing a cassette containing anti-Christian comments in class reportedly caused anti-Christian riots and petrol-bomb attacks on the local church, in which at least 52 Christians were injured.

The public education curricula are also allegedly discriminatory in so far as Christian pupils are obliged to memorize verses of the Koran as part of their Arabic studies. The Copts also seem to be the object of discrimination regarding admission to the State medical schools. Similar discrimination is allegedly also found in public sector jobs such as the police, the army and other government institutions.

The Coptic church is reportedly the object of discriminatory practices such as delays in the issue of permits to build or restore places of worship. The Government reportedly arbitrarily confiscated the land of a Coptic church for the use of the Ministry of Islamic Affairs. An Egyptian administrative court apparently decided in 1989 that this land should be returned to the Coptic church. However, this decision has not to date been acted on.

The Special Rapporteur was also informed that, while freedom to change one's religion was not explicitly condemned by law, article 98 f of the Penal Code was sometimes invoked in punishing the conversion of Muslims. This article prohibits any act which 'dishonours or shows contempt for a holy place or a religious sect with the intention of undermining national unity and public order'. Egyptian courts have reportedly upheld the principle that Muslims cannot change their identity document in order to record their conversion to another religion. As a result, married men who are no longer Muslims must register their children as Muslims. In addition, the pressures exerted by the family and society allegedly make it practically impossible for a Muslim to convert to another religion. Cases brought to the Rapporteur's attention can be summarized as follows: in February 1993, four Christian foreigners are reported to have been detained for more than two months, and then expelled on 10 May 1993 for proselytizing Muslims; an Egyptian Christian, Abdul Hamid Adel Nafa, aged 25, who was arrested along with the four foreigners, was allegedly accused of proselytism but was not released. After being placed initially in the psychiatric ward of the Abasseya Hospital, Cairo, he has apparently been held in the Al Khana institution for the mentally ill since August 1993.

In October 1992, Hanaan Rahman Assofti, aged 26, who had renounced Islam for Christianity, was allegedly arrested by State Security officers at Cairo Airport when leaving to meet her fiancé abroad. She is reported to have been placed by the police under the surveillance of her parents who were made responsible for bringing her back to Islam. Hanaan Rahman Assofti was allegedly placed in confinement, threatened with death by members of her family and subjected to an intensive programme of religious re-education to make her abjure Christianity.

The Special Rapporteur has been informed that the Egyptian writer, Alaa Hamed, who was sentenced in 1990 to eight years' rigorous imprisonment (the sentence was not executed because it was not ratified by the Prime Minister) for having written a book entitled Distance in the Mind of a Man, was reportedly sentenced a second time in 1992 by the Court of Public Morals to one year in prison for a book called The Mattress, which was printed, but never published, and is reportedly regarded as blasphemous.

Mr. Hamed is reported to have appealed to the High Court. He was dismissed from his job in July 1994 on the grounds that The Mattress reflects his opinions, which are incompatible with his obligations as an official of the Income Tax Department, especially as he is constantly with his female colleagues and deals with the public.

Mr. Hamed is accused of 'showing contempt for Islam by describing a love scene which takes place on a prayer rug'. Mr. Hamed states: 'What I write has nothing to do with religion. Writing is a creative act. Religion is a relationship between the individual and God'."

United Arab Emirates

In a communication dated 5 September 1994, addressed to the Government of the United Arab Emirates, the Special Rapporteur transmitted the following information:

"According to information received, Shiite Muslims in the Emirate of Ras al-Khaimah are not allowed to have their own mosque. In addition, the Emirate of Dubai is said to have placed private mosques under the control of the 'Department of Islamic Affairs and Endowments' which, if true, would result in that Department having a bigger say in the appointment of preachers. Non-Muslims would be unable to proselytize in public or distribute religious literature.

The following cases, briefly summarized here, have been brought to the Special Rapporteur's attention:

In 1993, a British Christian was reportedly arrested and sentenced to six months' imprisonment for proselytizing;

In 1992, Mr. Vasudevan Pillai, an Indian writer and Director of the University of Calicut School of Theatre, was reportedly sentenced in absentia to six years' imprisonment by the Sharjah civil court for blasphemy. He was convicted on the grounds that he had written a play based on a work by Safdar Hashemi and entitled 'Ants that Feast on Corpses', although Mr. Pillai apparently denies translating the work in question. The play allegedly depicts ants feeding on the bodies of

Christ, Marx and Mohamed and a Christian, Marxist and Muslim who bury and eat the bodies. The play is also said to question what Christ, Marx and Mohamed actually did for the world. Ten Indians who put on a production of the play on 28 May 1992 at the Indian Social Centre as part of the theatre festival organized by the 'Kerala Art Lovers Association' are said to have received the same sentence as Mr. Pillai, to be followed by deportation. Following an appeal in 1993, 2 of the 10 Indians subject to deportation reportedly had their sentences increased to 10 years."

Ethiopia

In a communication dated 5 September 1994, addressed to the Ethiopian Government, the Special Rapporteur transmitted the following comments:

> "According to the information received, there have been serious violations of religious freedom in Ethiopia.
>
> Protestant churches are reported to have been subjected to violations committed by members of the Orthodox Church.
>
> During the first half of 1992, a young Protestant of the Mekane Jesus Church was reported to have been killed and several hundred others to have been wounded. In the provinces of Wollega and Kefa, 24 Lutheran churches were allegedly set on fire and other religious buildings ransacked. The Orthodox Church is alleged to have been responsible for all these acts.
>
> In 1992, in central Berthane, members of the Orthodox Church are alleged to have committed acts of violence against members of the Pentecostal Church. At Gojam, a group of young members of the Orthodox Church are reported to have attacked an Evangelical Church member, putting out an eye. At Alamatta, in the Wallo region, a Pentecostal couple are said to have had to be married in a prison, under police protection, after Orthodox followers had chased and beaten the guests. At Debre Birhan, young Orthodox followers are reported to have beaten and stabbed Pentecostals and to have destroyed their houses and belongings. At Wolbareg, in the Gurage area, Orthodox followers are said to have prevented Evangelicals from burying their dead in the cemetery beside their church so that they were forced to travel to Addis Ababa, 50 kilometres distant, in order to perform the burials. Orthodox Church members are also reported to have violated the tomb of an Evangelical Christian in the cemetery of Debre Zeit on 8 December 1992.
>
> According to certain reports, in late 1993 a number of attacks were made on the Orthodox Church and particularly on Patriarch Abune Paulos. These incidents appear to have involved armed attacks with bombs as well as interruptions of religious services."

Russian Federation

In a communication dated 21 October 1994, addressed to the Government of the Russian Federation, the Special Rapporteur transmitted the following allegations:

> "The Special Rapporteur has been informed of the existence of restrictive bills relating to religion. These texts reportedly violate the rights of religious minorities. They are said to give priority to the Orthodox Church in respect of the restitution of land and assets confiscated under the old regime and to limit access to property for foreign religious groups."

Ghana

In a communication dated 5 September 1994, addressed to the Government of Ghana, the Special Rapporteur transmitted the following comments:

> "According to certain reports, conflicts of an ethnic and religious character that occurred in the north of the country in February 1994 caused the death of at least 1,000 people. The clashes are said to have involved mainly representatives of the Dagomba and Nunumba ethnic groups, on the one hand, and the Konkomba on the other. Many villages are reported to have been set on fire and their fleeing inhabitants pursued as far as Tamale. The Catholic church is reported to have been attacked, with Islamized Dagombas suspecting the Catholics of helping the Konkombas.
>
> Furthermore, foreign missionaries are reported to have encountered difficulties in obtaining visas and residence permits."

On 14 September 1994, the Government of Ghana sent its comments on the above-mentioned communication to the Special Rapporteur:

> "I have the honour to acknowledge receipt of your Note No. G/SO 214 (56-8) of 5 September 1994 bringing to the Mission's attention a summary of information on Ghana which has recently come to your knowledge.
>
> The so-called summary of your information purports to give the purely ethnic conflict in northern Ghana a religious undertone. I wish in this regard to assure you that Ghana is a secular State in which there is freedom of religion. Indeed, Chapter Five of Ghana's current Constitution on Fundamental Human Rights and Freedoms, article 26, states:
>
> '(1) Every person is entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion, subject to the provisions of this Constitution;
>
> (2) All customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.'

I also wish to take this opportunity to enclose for your information my Foreign Minister's statement to the Diplomatic Corps in Ghana regarding the northern conflict on 23 March 1994. The statement is very clear on the background to the conflict and it will be very misleading to read any religious causes into it.

As regards the alleged difficulty encountered by missionaries in obtaining visas and residence permits, this Mission is at a loss in understanding why the matter is being raised here. Missionaries, like any other foreign visitors, require visas to enter Ghana as is the practice with numerous countries. In Ghana's case, applications for visas or residence permits are treated on their own merits and it is inconceivable that a visa application will be refused just because the applicant is a missionary.

If, on the other hand, a missionary is making an application with the sole purpose of visiting an area of conflict, then I submit that the Special Rapporteur should be the first to understand the alleged difficulty which might stem from the desire not to expose the applicant, be he a missionary or an ordinary tourist, to danger. In point of fact, paragraph 24 of my Foreign Minister's statement specifically advised the members of the Diplomatic Corps not to visit the conflict areas for obvious reasons. The Honourable Foreign Minister went on further to clarify the procedure that must be followed should such a visit become absolutely necessary.

Finally, the Mission would like to caution the Special Rapporteur on basing his actions on reports that at best can be described as sketchy and lacking in substance. Having said this, let me assure the Special Rapporteur that this Mission and the Government of Ghana remain ready and willing to cooperate with him to address serious concerns which are germane to the fulfilment of his mandate."

Greece

In a communication dated 3 November 1994, the Special Rapporteur transmitted the following information to the Government of Greece:

"According to the information received, 400 conscientious objectors belonging to the Jehovah's Witnesses faith are currently imprisoned in Greece, mainly in the disciplinary cells of military camps, the military prisons of Avlona and Sindos and the prison farms of Kassandra and Kassavetia. They have reportedly been sentenced to four-year prison sentences, which could be reduced to approximately three years through work.

Some of them are said to have been subjected to physical and psychological ill-treatment by military personnel and members of the military police during their detention in prison or in camp. The alleged purpose of this ill-treatment was to force the prisoners to change their minds about being conscientious objectors.

Several conscientious objectors are said to have been refused any food for several days and denied the right to write letters or make telephone calls to their closest relatives. It is also reported that they are held in unheated cells that let in the rain in mid-winter. Some are said to have been subjected to humiliating punishment, such as being woken up and made to clean the toilets at 2 a.m. every day and forced to remain standing for hours.

Conditions of detention in the disciplinary cells of Nigrita Serres are alleged to be particularly harsh: damp cells, no windows, a single bench, only 4 square metres of space, and negligence in food distribution on the part of the guards.

The following cases were brought to the attention of the Special Rapporteur and summarized as follows:

Mr. Charalombos (Babis) Andreopoulos:

On 19 January 1993, Mr. C. Andreopoulos, a Jehovah's Witnesses minister, is said to have applied to the competent authorities for exemption from military service on the basis of article 6, paragraph 1 c, of Law 1763/1988, which stipulates that 'religious ministers of known religions shall be exempt from military service'. On 22 January 1993, the Larissa recruiting office, and on 10 February, the National Defence Headquarters/Recruitment Division are reported to have rejected his application, refusing to recognize the Jehovah's Witnesses faith as a known religion. In similar cases, the Greek Council of State is said to have considered that 'Jehovah's Witnesses are members of a known religion'.

On 24 March, Mr. C. Andreopoulos reportedly lodged an appeal with the Commission of the Council of State in order to obtain a stay of judgement. On 29 March, the appellant's counsel are said to have obtained an interlocutory decision from the Council of State recognizing Mr. C. Andreopoulos to be a religious minister and for that reason exempt from military service. On the basis of that decision, Mr. C. Andreopoulos reportedly appealed to the Ministry of National Defence, which is said to have deferred the complainant's recruitment into the army from two to three months. Mr. C. Andreopoulos is said to be expecting an official decision from the Council of State before the expiry of the aforementioned time-limit. It is reported that his case will be considered on 24 November 1994.

Leaders of the Jehovah's Witnesses congregation in Alexandroupolis

Concerning this case, dealt with in two previous reports (E/CN.4/1992/52, E/CN.4/1994/79), the Special Rapporteur was informed that, following the decision of 2 July 1991 by the Alexandroupolis Court to acquit the leaders of the Jehovah's Witnesses congregation charged with the illegal use of a house of prayer and to order the removal of the seals from that site, the police reportedly performed the operation on 2 July 1991.

However, the Public Prosecutor, who had initiated proceedings, is said to have appealed against the decision before the removal of the seals.

On 21 March 1992, a court composed of three magistrates is reported to have considered the case on appeal and to have sentenced each of the defendants to 30 days' imprisonment. The sentences are said to have been subsequently commuted as follows: 400 drachmas for each day of imprisonment for the first and the third defendants and a suspension of the prison sentence for a three-year period in the case of the second defendant, provided that he pay legal costs. In July 1993, this sentence was reportedly confirmed by the Supreme Court (Areopagos).

Jehovah's Witnesses congregation of Gazi in Heraklion (Crete)

Concerning this case of the closure of a meeting place of the Jehovah's Witnesses congregation, on the first occasion for lack of a permit issued by the local Orthodox Church authorities and by the Ministry of National Education and Religious Affairs, then on the second occasion for proselytism (case described in detail in report E/CN.4/1994/79), on 7 August 1991 the accused reportedly referred the matter to the European Commission on Human Rights.

On 14 September 1993, the Heraklion superintendent of police is alleged to have announced by decree that it had been 'decided to close and seal the place of worship of the Jehovah's Witnesses, created and opened on 30 July 1983 in Gazi-Maleviziou/Heraklion (...) and that the decision shall remain effective until a permit has been granted'.

Congregation of Jehovah's Witnesses of Naoussa

In the town of Naoussa, 100 kilometres west of Thessaloniki, the Jehovah's Witnesses reportedly lodged an application with the Municipal Town-Planning Commission for a building permit for a meeting room. Following representations by the local Greek Orthodox Metropolitan Bishop, it is alleged that the mayor of Naoussa refused to issue a permit.

Furthermore, the laws on education in force are said to make it difficult to appoint teachers not belonging to the Orthodox faith in Greece, and in particular Jehovah's Witnesses. In this connection, it would appear that, to the knowledge of the Special Rapporteur, no solution has been found to the cases of Pilaftsoglou, Tzenos and Nomidis, whose applications for teaching permits are alleged to have been turned down on account of their belonging to the Jehovah's Witnesses faith (case described in report E/CN.4/1994/79). The Patros Court of Appeal should decide on the case of Treafilos Tzenos on 28 May.

Reportedly, Mrs. Theofilos Tzenos lodged an appeal with the Council of State, which heard her case on 11 March 1993. The Council of State is said to have not yet handed down a decision.

In addition, according to the information received, in schools young Jehovah's Witnesses are victims of manifestations of religious intolerance (verbal insults, physical attacks), and it is alleged in particular that the books used for religious instruction denigrate the religion of the Jehovah's Witnesses.

The Jehovah's Witnesses are also alleged to suffer arbitrary arrest, harassment and ill-treatment by the police services, in particular the security police. Moreover, these incidents are said to be going hand in hand with a recrudescence of acts of vandalism and insults directed not only against places of worship but also against Jehovah's Witnesses personally.

According to some information, the evangelical community has been refused permission to continue broadcasting from its private religious television station, "Hellas 62".

The Special Rapporteur was informed that two imams, invited by the members of the Muslim Turkish minority during the month of Ramadan to attend to their religious needs, were refused permission to enter Greece by the Greek authorities at the border post of Ipsala, on 17 February 1994.

The Special Rapporteur was informed that the mosque of Alexandroupolis was destroyed on 13 March 1993 following a fire. An official investigation reportedly reached the conclusion that the imam of the mosque had been negligent. According to certain information, the investigation was biased and the police forced the witnesses to give false evidence.

Furthermore, the Asagi Mahalle and Hurriyet Mahallesi mosques, in Xanthi, and the Kirmahalle and Tabakhane mosques, in Komotini, are alleged to have been subject to bombing attacks or arson.

The Tabakhane mosque in Xanthi was reportedly razed to the ground by bulldozer by the municipality. A dervish's sacred dwelling (dervish Sodpe) dating from the fourteenth century is alleged to have been demolished on the pretext of renovation. Despite the Government's promises to rebuild it, it is reported that no action has so far been taken.

Furthermore, according to the information received on 6 April 1993, the Greek legislators have voted a law making it compulsory for citizens to declare their religion on their identity cards."

India

In a communication dated 5 September 1994, addressed to the Government of India, the Special Rapporteur transmitted the following comments:

"According to the information received, relations between Hindus and Muslims continue to be strained since the attack on and destruction of the Babri Mosque in Ayodhya on 6 December 1992 (E/CN.4/1994/79, para. 55). Concerning the serious inter-community disturbances, in Bombay in particular, in January 1993, which were reported in the communication of 10 November 1993 addressed to the Indian Government, the Special Rapporteur received additional information indicating that at least 550 people were killed and 2,500 injured. Certain persons are reported to have been stoned to death and/or burned alive. According to a report by the 'Indian People's Human Rights Tribunal' published in August 1993, these events were part of an organized crime perpetrated by communalists in cooperation with the police. The report states that the police either stood by and watched or supported the Hindu attackers. According to numerous reports, most of the victims were Muslims. Furthermore, on 12 March 1993 numerous bomb attacks were reported in Bombay, in particular against tourist hotels and markets, killing at least 250 people. Police investigations are said to have found one Muslim family to be responsible, but the reason for the attack is not clear. In Maharashtra, the police reportedly conducted large-scale indiscriminate raids among all Muslims who might have been involved in the Bombay attack.

Cases of serious violations in Kashmir and Jammu and the Punjab have also been referred to the Special Rapporteur.

In Kashmir and Jammu, Muslim extremists are said to be continuing their persecution of the Hindu minority. They are said to have attacked Hindu pilgrims near Anantnag on 3 August 1993, killing one person and injuring 23 others. On 14 August, the extremists allegedly stopped a bus and killed 16 Hindu civilians. They are also said to have killed a Hindu leader. On 15 September, they planted a bomb in a Hindu temple, killing one person and injuring eight others.

According to the information received, most of the Muslims in Kashmir are caught between the violent actions of the Muslim extremists and those of the security forces taken against any insurrection and even against civilians.

In the Punjab, a Sikh religious leader, Gurev Singh Kaonke, is said to be missing since 2 January 1993.

Regarding the Christians, there is said to be no national legislation prohibiting proselytism by Indian Christians. However, the laws of some States discourage Christians from practising openly. Resident foreign missionaries are generally able to renew their visas, but since the mid-1960s, entry for new resident missionaries is denied. A certain increase in conversions among the tribes continues to create tensions, and foreign Christian missionaries are said to be denied entry permits for the States in the north-east."

In response to the above-mentioned allegation, the Permanent Mission of India transmitted the following information to the Special Rapporteur on 17 November 1994:

"1. I write with reference to your letter No.G/SO 214 (56-8) dated 5 September 1994. In this communication you made some general observations and pointed out some specific cases of alleged religious intolerance and discrimination against religious minorities in India. I wish to clarify that the allegations contained in the above-mentioned communication do not conform to the facts.

2. The Indian people are heirs to an ancient tradition of tolerance and respect for different religions and faiths. It is for this reason that India is home to so many differing linguistic and religious groups. India is the birthplace of four major religions - Hinduism, Buddhism, Jainism, Sikhism. Christianity, Islam, Zoroastrianism and Judaism came to India and made it their home. We are proud to count among our nationals nearly every major religious denomination, including their sects and sub-sects. Even non-believers enjoy equal rights with all others in India. Over 90 million Muslims have been born since 1947. Likewise other religious minorities exist in tens of millions.

3. The very Preamble to the Indian Constitution declares India to be a 'Secular, Democratic Republic and to secure to all its citizens ... liberty of thought, expression, belief, faith and worship'. To underscore the right to freedom of religion, this and associated rights are deliberately placed in the Chapter on Fundamental Rights. These rights enshrined in the Constitution are justiciable before an independent judiciary. This has been further reinforced by the establishment of a Minorities Commission in 1978 to safeguard the interest of other minorities. These Commissions monitor the safeguards available under the Constitution and the legal framework for the protection of minorities, make recommendations to improve implementation of these safeguards, keep under constant review policy pursued by the Union of the State Governments with respect to minorities to look into specific complaints regarding deprivation of rights and safeguards of minorities such as where appropriate additional legal and welfare measures for minorities, make periodical reports to the Government etc.

4. Despite the efforts of the Government, explicit provisions of the Constitution and the fact that our people, by and large, have a secular outlook, incidents of communal violence have occurred occasionally. In considering such developments, however, we should not fail to make a distinction between cases where incidents have occurred for reasons beyond the control of Governments and those instigated and abetted by the Governments themselves. States should be judged not by acts of extremism committed by individuals, groups and segments of society, but by their philosophy and practice of religious tolerance and their treatment of minorities. The speed and effectiveness with which Governments take remedial action to correct any such wrongs is a measure of the religious tolerance of and the position of minorities in that society and polity.

5. The observations that the relations between Hindus and Muslims continue to be strained as a result of the destruction of the Babri Mosque in Ayodhya on 6 December 1992 is a misrepresentation of the facts. It would be appropriate to mention that since January 1993 there have been no incidents of communal tension and the Muslims and Hindus have

been living in harmony in keeping with the tradition of Indian society. The Government of India is determined to remain faithful to its secular commitment.

Babri Masjid

6. In our letter No. GEN/PMI/352/26/93 dated 17 December 1993 we provided detailed background on the developments that led to the unfortunate demolition of Babri Mosque. As stated therein, the incident was immediately condemned in the strongest possible terms by the highest authorities in the land and comprehensive remedial measures were promptly instituted.

7. Since our earlier communication to you on this subject, the Central Bureau of Investigation (CBI), which is an apex body for investigation, was asked by the Government of India to carry out a detailed investigation. Notwithstanding the fact that the mosque was pulled down by a riotous mob of several thousand persons, making investigations exceedingly difficult, charges were initiated before a special court against 40 persons. The court has begun the process of trial. Regarding the rebuilding of the mosque and a temple, the Government of India had sought an advisory opinion from the Supreme Court of India and would abide by the opinion of this apex judicial body in India. The Supreme Court in its verdict of 24 October 1994 has revived title suits regarding the structure under dispute, permitted the settlement of the dispute through negotiations, upheld acquisition of land by the Government - except the disputed area - ordered compensation to be paid to owners for land acquisition and, more significantly, convicted the former Chief Minister of the State of Uttar Pradesh, Mr. Kalyan Singh, for contempt of court for violating its orders prohibiting the erection of a permanent structure in the disputed area in Ayodhya in July 1992.

8. The rioting in some parts of India following the unfortunate destruction of the Babri Jasjid mentioned in the annexure is the exception rather than the norm. It was the product of communal tension, exacerbated by inflammatory rhetoric and action from across national frontiers, which were used by anti-social elements for their own interest. However, to argue that any single community was victimized is grossly incorrect. All Indians, irrespective of their religion, suffered. Not only have comprehensive judicial inquiries been instituted but prompt relief and rehabilitation measures have also been taken which have entailed disbursement of 10 million rupees. These steps are in the best traditions of India's secular polity and in keeping with its long history of respect and tolerance for all religions, beliefs and practices.

Disturbances in Bombay

9. As regards the disturbances in Bombay following the 6 December 1992 incident, these were brought under control speedily by the State administration. There was recurrence of communal riots in Maharashtra in the first week of January 1993. To help the local police to control the situation, substantial paramilitary forces, including the newly created

Rapid Action Force were made available by the Centre. Army columns also were deployed to help the Administration to control the riots and restore normality. Union Ministers and the Prime Minister also visited Bombay. Persons who lost their lives, received injury and lost property, belong to various communities and there was a fair share of members of both the major communities. The State Government ordered a judicial inquiry on 25 January 1993 to inquire into the riots which took place in the area of the Bombay Police Commissionerate. Justice B.N. Srikrishna, a sitting judge of the Bombay High Court has been appointed for the inquiry. The terms of reference include: (i) the circumstances, events and the immediate causes of the incidents which occurred in the Bombay Police Commissionerate area in December 1992 and on or after 6 January 1993; (ii) whether any individual or group of individuals or any other organizations, were responsible for such events and circumstances; (iii) the adequacy or otherwise of the precautionary and preventive measures taken by the police preceding the aforesaid incidents; (iv) whether the steps taken by the police in controlling the riots were adequate and proper and whether the police firing, resulting in deaths, was justified or not; and (v) the measures, long- and short-term, which are required to be taken by the Administration to avoid recurrence of such incidents, to secure communal harmony and also to suggest improvements in the law and order machinery.

10. Regarding the alleged police inaction, partiality etc. during the riots, the facts will come out during the inquiry report. In the meantime the Bombay Police Commissionerate has been completely reorganized dividing the city in four regions, each headed by one Additional Police Commissioner. Three posts of Joint Commissioners of Police in the rank of IGP have been created. One Joint Commissioner of Police each looks after administration, crime and law and order, respectively. The Special Branch and the Crime Branch have also been reorganized and additional posts of officers and men have been sanctioned.

11. The Government has disbursed an amount of about Rs. 14 crores to the next of kin of persons who have been killed and an amount of Rs. 97 lakhs has been disbursed to the injured persons so far. The latest position of the number of houses/huts etc. damaged and the disbursement of assistance is:

	Number of houses/huts/shops/ stalls/handcarts affected	Number of houses/huts/shops/ stalls/handcarts for which assistance has been disbursed
Houses	774	668
Huts	23 370	23 369
Shops/stalls	5 544	5 523
Handcarts	496	356

12. Thus at every stage the Government of India has demonstrated the will and the capacity to take remedial steps, as well as protective and rehabilitation measures, in respect of persons belonging to minorities in India and to restore amity and harmony among all communities.

Bombay Bomb Blasts

13. As far as the Bombay blasts of March 1993 are concerned, these were acts of externally sponsored terrorism aimed at destabilizing the country's economy and creating a wedge between Hindus and Muslims. On 11 March 1993, a series of powerful bombs simultaneously exploded at various public places including the Stock Exchange, hotels, etc., killing over 250 persons and injuring 628 persons and destroying property worth about Rs. 270 million. Investigations have revealed the direct involvement of the Yakub Memon family and also the involvement of a neighbouring country in sponsoring, planning, providing training and material, including explosives, for the blasts. It is only incidental that the large number of persons arrested for involvement in these blasts were Muslims, as has been the case in some similar acts of terrorism, including the bombing of the World Trade Center in New York. It is incorrect to suggest that the search for those responsible for the bomb blasts was exclusively focused on the Muslim community. It may be mentioned that investigations in Bombay have also revealed the use and involvement of elements, a large number of whom are non-Muslims, who are also equally the subject of police attention and action, including arrests already made. It is therefore unfortunate that in the communication it has been indirectly suggested that the Muslims have been singled out for investigation in this case.

Punjab

14. You have raised some concerns on the basis of reports received by you about religious intolerance in Punjab. In this context, let me at the outset mention that Sikhs in Punjab are the majority community and the reality is that in Punjab the Sikh community have always lived in harmony with the main minority community of Hindus. As indicated in my letter No. GEN/PMI/352/26/93 dated 17 December 1993, there has been no discrimination or ill treatment of the Sikhs in Punjab or any part of India. The problems that arose in Punjab were due to the religion-based terrorist elements, externally encouraged, who sought to widen the communal divide between the Sikhs and other communities for their political ends. In the course of time, as many Sikhs fell victims to the terrorist bullets and bombs as Hindus. This defeated the aim of the terrorists of communalizing the Punjab polity. The people of Punjab have rejected terrorist violence and have demonstrated their faith in the democratic process by electing representatives to the State and national legislatures in elections held during 1992. Peace has returned to Punjab.

15. With regard to Gurdev Singh Kaonke, the authorities concerned have investigated the allegations and have provided the following information. Gurdev Singh Kaonke, resident of Kaonke village in Punjab, was arrested, on charges inter alia of murder, on the basis of a case registered on 8 December 1992. He was questioned by the police and admitted his involvement in terrorist activities. He also disclosed that he had concealed two AK-47 assault rifles with ammunition near a Sikh temple at Karian. He led the police to the place of concealment where AK-47 ammunition was recovered. At that place, the police party was fired upon

by unidentified assailants. In self-defence, the police party returned the fire. During the exchange of fire, Gurdev Singh Kaonke escaped. When the firing ceased, Gurdev Singh Kaonke was untraceable. Another case for violation of the Arms Act was registered against Gurdev Singh Kaonke on 2 January 1993. The case is under investigation. The facts quoted above show that there is nothing to establish that Gurdev Singh Kaonke, prima facie, was tortured by the police. Since he absconded, Kaonke has not reappeared, perhaps because of the serious charges pending against him.

Jammu and Kashmir

16. Similarly Jammu and Kashmir, a symbol of India's secular democracy, has been a target of externally sponsored religion-based terrorism for the last five years. The aim is to divide people on the basis of sectarian affiliation and undermine the secular fabric and territorial integrity of India. Jammu and Kashmir is home to Muslims of various hues, Hindus, Buddhists, Sikhs and Christians, who have traditionally lived in harmony. What in fact has happened is the deliberate targeting of Kashmir Hindus by fundamentalists, terrorist groups and foreign mercenaries. The persecution by Muslim extremists of the Hindu minority and the systematic religion-based extremism of terrorist elements has resulted in the exodus of 250,000 members of the Hindu and other minorities from the Kashmir Valley to other parts of India. Fundamentalists and terrorists have also targeted and assassinated Muslim intellectuals and liberal Muslim leaders in Jammu and Kashmir. As a consequence, as many as 50,000 Muslims have also been compelled to flee the Valley to seek safety in other parts of India.

17. The common man in Kashmir, both Muslim and Hindu, today yearns for the restoration of his liberal ethos and historical and cultural heritage. The people of the State have begun to see through the design of the extremists, terrorists and their foreign masters. This had led to an escalation by the latter, infiltrating armed foreign mercenaries into the State to whip up religious hysteria and maintain the cycle of violence. A concrete manifestation was the deliberate campaign of forcible occupation and desecration of places of worship of both communities, attacks on Hindu pilgrims, thwarting of holy pilgrimages, assassination of political and religious leaders. As recently as June 1994, the Mirwaiz (a Muslim religious leader) of South Kashmir was kidnapped and murdered by an externally sponsored fundamentalist terrorist group and Hizbul Mujahiddin. The populace protested at the murder in huge demonstrations against extremists, terrorists and their foreign sponsors.

Christians

18. The allegations regarding the position of Christians in the communication are completely incorrect. There are no laws in any of the States against the practice of Christianity or any other religion. The existence of Christianity in India long predated its contact with European civilization. There are more than 16 million Christians in India with almost every major denominational church of the Christian

faith represented there. The Christian community in India runs a wide network of churches, seminaries and welfare institutions throughout the length and breadth of the country. The Christian community [has enriched India's national life and Indian Christians] have held and are holding the highest State and government posts. For example, the Governor of the State of Mahasrashtra, where the Christian Community Welfare Council of India is located, is himself a Christian. This is also the case with several members of the Indian Cabinet. It is evident that the Christian community could not have flourished as it has without the atmosphere of freedom and tolerance which exists in India. You would also probably be aware that Hinduism is not a proselytizing religion and it is a measure of the tolerance of the Indian secular polity that other religions and faiths, including Christianity, are permitted to proselytize. As far as the activities of foreign missionaries are concerned, while there are no restrictions on the activities of such missionaries resident in India, those of new foreign missionaries are regulated in accordance with national laws.

19. You will no doubt agree that cultures and sub-cultures abound where there is a solid ground of laws, practices and traditions respecting human rights. No civilization could have lasted and flourished for 5,000 years unless it was rooted in sound societal values of freedom, dignity and rights of human beings, who have access to their past and their culture and have responsibility for their future."

Indonesia

In a communication dated 20 October 1994, the Special Rapporteur transmitted the following information to the Government of Indonesia:

> "According to information received, followers of the Baha'i faith have continued to suffer grave violations of the right to freedom of religion. The situation of the Baha'i community, as described in report E/CN.4/1993/62, paragraph 35, is said not to have improved. Jehovah's Witnesses are also reported to have suffered a ban.
>
> Furthermore, the cases of religious intolerance summarized below have been brought to the attention of the Special Rapporteur:
>
> - In June 1992, two students, Bambab Nahya Nirbita and Ambar Widi Atmoko, were reportedly sentenced to two and a half years in prison. They are said to have been arrested following complaints lodged by certain persons who accused them of offending the Islamic religion during a sketch they performed in late April 1992.
>
> - In early January 1994, two young men, Djoni Purwoto and Sugiri Cahyono, were reportedly sentenced to four years' and to three and a half years' imprisonment respectively, for blasphemy. They were accused of offending the Islamic religion during a play performed at Salatiga in Central Java."

The Special Rapporteur has also been informed that the 1975 Marriage Act prohibits registry offices from registering marriages of persons not belonging to one of the five known religions (Islam, Hinduism, Buddhism, Catholicism, Protestantism).

Islamic Republic of Iran

In an urgent appeal dated 3 August 1994, the Special Rapporteur transmitted the following observations to the Government of the Islamic Republic of Iran:

> "According to information received by the Special Rapporteur, Rev. Tatavous (Tateos) Mikaelian, successor of the recently murdered Bishop Haik Hovsepian-Mehr as the Chairman of the Council of Protestant Churches and former General Secretary of the Iran Bible Society, would have disappeared after leaving home on 29 June 1994 and would have been found murdered on 2 July. Besides Minister Mehdi Dibaj, released on 16 January after nine years in prison, would have disappeared on 24 June and have been discovered murdered.
>
> The Special Rapporteur would like to express his deep concern and would be grateful to your Government to provide him with any relevant information as well as with its views and observations."

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following information to the Government of the Islamic Republic of Iran:

> "Baha'i community
>
> The Special Rapporteur has been informed that the situation of the Baha'i community, as reported in the communication of 8 December 1993, has continued to worsen during 1994. The religious activities of the Baha'is continue to be strictly prohibited, and the Baha'is are being totally denied their various rights because of their religious belief. In particular, they continue to be banned from public office, agricultural cooperatives, institutions of higher education and ownership of businesses, and their individual and jointly-owned property is being confiscated and even destroyed. In addition to the cases of execution and disappearance referred to in the communication of 8 December 1993 addressed to the Government of the Islamic Republic of Iran, nine Baha'is are currently imprisoned because of their religious belief:
>
> Mr. Bakhshu'llah Mithaqi, arrested at Karaj on 17 October 1985.
>
> Mr. Kayvan Khalajabadi and Mr. Bihnam Mithaqi, arrested at Gohardasht on 29 April 1989. On 31 August 1992, they were arbitrarily sentenced to death by the Islamic Revolutionary Tribunal after being held without formal charge or trial since April 1989. Following an appeal by the two accused, the Iranian authorities allegedly stated that their death sentence had been quashed by the Supreme Court. However, according to some reports, on 8 December 1993 the two Baha'is were again sentenced to death by the Islamic Revolutionary Tribunal in Tehran and filed an appeal with the Supreme Court.
>
> Mr. Husayn Ishraqi, arrested at Isfahan on 1 April 1992.
> Mr. Nijatu'llah Bihin-Ain, arrested at Isfahan in July 1992.

Mr. Husayn-Quli Rawshan-Damir, imprisoned on 27 June 1993.
Mr. Ali Latifi, arrested at Urumiyyih on 7 September 1993.
Mr. Rabiu'llah Isma'ilzadiyan, imprisoned in Tehran (date unknown).
Mr. Riyan Taid (date and place unknown).

According to certain reports, in late December 1993 in Tehran, Ayatollah Abdolakrim Mousavi Ardebili, in a public sermon to his congregation, cited a nineteenth century Muslim clergyman, Saeed-al-Ulama Baboli, as follows: 'For a long time I have been occupied here with day-to-day issues. I am engaged in Baha'i-killing.' This sermon was also broadcast on Radio Tehran.

Iranian Jewish community

The Special Rapporteur has been informed that Mr. Feizollah Mekhubad, a 78-year-old member of the Iranian Jewish community, has been executed. He was allegedly arrested two years ago for 'the crime of association with zionism' and sentenced to death. The sentence was then commuted to three years' imprisonment. After two years in prison, Mr. Mekhubad was executed on 25 February 1994 without trial or explanation. According to some reports, he was tortured before being executed.

Members of various Christian Churches

The Special Rapporteur has been informed that a campaign against Christians has been stepped up in recent months. It has allegedly led to a whole series of persecutions, arrests, imprisonments and torture of Iranian Christians, particularly Muslims who had converted to Christianity and pastors and parishioners of Evangelical churches working with them.

According to information received, in June 1993 the Iranian authorities asked the representatives of the Christian Churches to sign statements to the effect that they would not attempt to convert Muslims, and, since August 1993, documents binding them to ban converted Muslims from Christian services and to avoid using Farsi during services. Any conversion of Muslims to Christianity carries the death penalty.

A number of churches, in particular Evangelical churches, have been forced to stop conducting services, and since February 1990, the Iranian Bible Society has not been allowed to open. The selling of Bibles is prohibited, and 20,000 copies of the New Testament in Persian confiscated in September 1991 have still not been returned.

There is said to be discrimination against Christians in public service, and the Christian religion is reported to be denigrated, particularly in the State schools' religious instruction classes.

The Special Rapporteur has learned that Bishop Haik Hovsepian-Mehr, President of the Council of Protestant Churches and General Superintendent of the Churches of the Assemblies of God in Iran, disappeared on 19 January 1994 after leaving his home to meet someone at Mehrabad airport in Tehran. According to some reports, Bishop Hovsepian was taken to a government office. On 30 January 1994, the police told Bishop Hovsepian's family that his body had been found, riddled with knife wounds, on 20 January 1994, on the old Shemran road in the Tehran suburbs. They stated that the victim's body had already been buried and his family was only able to identify him through a photograph. The Bishop, who was aged 49, was married and had four children. He had conducted a successful international campaign to obtain the release of Reverend Mehdi Debbaj and distributed a report on violations of religious freedom in Iran. He had also refused to sign a statement, required by the Ministry of Islamic Guidance, indicating, in his capacity as a Christian in the Islamic Republic of Iran, that Christians were able to exercise all constitutional rights. Bishop Hovsepian's murder is reportedly linked to the latter events.

The Special Rapporteur has also received information to the effect that Reverend Tatavous (Tateos) Mikaelian, successor to Bishop Haid Hovesepian Mehr as President of the Council of Protestant Churches and former Secretary-General of the Iranian Bible Society, disappeared after leaving home on 29 June. His body was reportedly identified in a city morgue on 2 July 1994 by his son. He had been shot three times in the head.

According to the information received, Reverend Mehdi Debbaj (cited in document E/CN.4/1992/52), a former Muslim who converted to Christianity and was sentenced to death for apostasy and imprisoned without trial for nine years, was released on 16 January on condition that he remained available for further investigations if necessary. However, the charge against him was not withdrawn, and fresh accusations of 'religious espionage' and defamation of Ayatollah Knomeini were made against him. His wife also reportedly received threats of stoning to death if she did not agree to recant her faith. Under coercion she divorced her husband and married a Muslim extremist. Her four children were taken in care by the church, where they remain. Reverend Mehdi Debbaj allegedly disappeared on 24 June 1994. According to information received, Reverend Mehdi Debbaj, along with a group of Christian believers, had left Tehran on 20 June, to attend a Christian retreat in Karaj. Four days later, he reportedly left on his own to return to Tehran to join his family in celebrating the birthday of his daughter and was found murdered on 5 July 1994.

The situation of Reverend Edmond and of Mr. Mohamad Sepehr, a Muslim who converted to Christianity, described in the communication sent to the Permanent Mission of the Islamic Republic of Iran on 8 December 1993, remains unchanged.

Others

The Special Rapporteur has received information to the effect that an Iranian writer, Mr. Ali Akbar Saïdi Sirjani, was arrested in mid-March 1994 by the Iranian police and officially charged in April with several serious offences, namely, drug trafficking, links with counter-revolutionary elements, receiving large sums of money from such groups, relations with a group of officers of the former regime linked to the Savak and homosexuality. Under Iranian law, each charge would be sufficient for the writer to be sentenced to death. According to the information received, Mr. Saïdi Sirjani has been wrongfully accused and has in recent years been violently attacked, in particular in certain Iranian newspapers, because of his writings, which are perceived as being anti-Islamic."

On 29 August 1994, the Government of the Islamic Republic of Iran transmitted the following information to the Special Rapporteur in reply to the communication of 18 August 1994 mentioned above:

> "I have the pleasure to provide to you, in reference to your letter dated 18 August 1994, the following information regarding the cases of Christian pastors in the Islamic Republic of Iran which have been received from relevant authorities in Tehran.
>
> The judicial authorities of the country after the recent incidents of killing Christian pastors initiated thorough investigation with the assistance of law enforcement personnel in order to trace perpetrators.
>
> Consequently a suspect named Mrs. Farahnaz Anami is arrested in Zahedan (Sistan Balouchestan Province) and sent immediately to the court for further investigation.
>
> In the later stages of judicial interrogation, Mrs. Anami provides detailed information about the murder of Mr. Michaelian by her and her accomplices. She further disclosed that she was also given the responsibility of finding a suitable place for burying Mr. Dibaj, another Christian pastor who was murdered in another incident elsewhere.
>
> Two other persons were also arrested in this regard on the basis of information received from Mrs. Anami on the charge of complicity in the murder of the above-mentioned pastors. The perpetrators furthermore claimed that the assassination of Christian pastors was carried out on the orders of the Iraqi-based Mojahedin Khalq Organization (MKO) to which they affiliate and the plan included other religious figures. Investigation still continues to find other accomplices and the persons involved in the murder of Mr. Dibaj and Hospian Mehr.
>
> It is to be noted that the reply in regard to other cases referred to in your letter would be sent in due course."

Iraq

In an urgent appeal dated 3 August 1994, the Special Rapporteur transmitted the following observations to the Government of Iraq:

> "According to information received by the Special Rapporteur, on 21 July 1994, Hujjat al-Islam Sayyed Mohamed Taghi al Khoei, the son of the late Grand Ayatollah al Khoei and the General Secretary of the

> al Khoei Foundation would have been killed while travelling home from a visit in Kerbala accompanied by his brother-in-law, Amin Khalkhali and his six-year-old nephew.
>
> The three passengers and the driver of their car would have been killed. The car would have been totally burned and the bodies mutilated on the highway linking Kerbala and Najaf.
>
> The Special Rapporteur would like to express his deep concern and would be grateful to your Government to provide him with any relevant information as well as with its view and observations."

In a communication dated 5 October 1994, the Special Rapporteur transmitted the following allegations to the Government of Iraq:

> "According to information received, the Assyro-Chaldeans and the Shiite Muslim community are subjected to numerous acts of religious intolerance.
>
> The Assyro-Chaldeans
>
> It is reported that Bishop Margigiz of Baghdad suspended a young 36-year-old priest, Emmanuel Yuhanna residing at Dohuk and working for the Eastern Assyrian (Nestorian) Church at Mansouriya, in April 1994. The latter was allegedly informed of this measure on his return from a journey abroad for medical reasons, the official explanation given being his unauthorized absence from the parish. However, according to some reports, Bishop Margigiz was compelled to take this disciplinary measure under pressure from State officials.
>
> The Shiite Muslim community
>
> The Special Rapporteur has been informed of the death of Muhammad Taqi al-Khoei, son of the late Grand Ayatollah al-Khoei and Secretary-General of the al-Khoei Foundation. The latter was travelling in the company of his brother-in-law Amin Khalkhali, his six-year-old nephew and his chauffeur. On the way back from a visit to Karbala, their car apparently crashed into an unlit lorry blocking the motorway at around 11 p.m. The driver and the child reportedly died instantly, while Taqi and Amin Khalkhali bled to death, abandoned at the roadside. It is reported that an ambulance arrived at 4 a.m. in order to remove the bodies and that, that same morning, Government officials buried the bodies in a hurry without any respect for rituals and notwithstanding the objections of the deceased persons' relatives.
>
> It seems that the incident of the unlit lorry blocking the road was staged intentionally in order to kill Muhammad Taqi al-Khoei. In recent months, Muhammad Taqi al-Khoei had reportedly been threatened on various occasions because of his activities for the al-Khoei Foundation abroad. One week before his death, he was allegedly summoned to Baghdad and told that he would not be allowed to leave Iraq for the annual meeting of the governors of the al-Khoei Foundation. Moreover, a few hours before

> Muhammad Taqi's death, he is said to have informed the al-Khoei Foundation that he would be unable to attend the scheduled meeting and that his life was in danger.
>
> In general, it would appear that the policy conducted by the Iraqi authorities against the Shiite Muslim community in Iraq and its religious or cultural institutions, as reported in the communication of 23 November 1993 addressed to the Iraqi Government (E/CN.4/1994/79), continues to be systematically applied. In addition to the acts of repression against Shiite Muslim clergy (including the detention of at least 100 religious dignitaries or theology students since March 1993), the destruction of mosques, libraries and highly religious sites, the closure of established seminaries and the profanation of cemeteries (mentioned in document E/CN.4/1994/79), in 1994 hundreds of relatives of detained clergymen were allegedly deported by force."

In an urgent appeal dated 1 November 1994, the Special Rapporteur transmitted the following information to the Iraqi authorities:

> "According to information I received in October 1994, members of the al Khoei family were allegedly evicted from the late Grand Ayatollah al Khoei's home in Kufa. The confiscation orders would have also included a number of other houses belonging to members of al Khoei clerical families. In addition, religious endowment properties allocated for schools and mosques and administrated by the late Sayyed Taqi al Khoei, were allegedly confiscated.
>
> I would be most grateful to your Excellency's Government to provide me with any relevant information concerning the above, as well as with its views and observations."

Israel and the occupied territories

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following observations to the Israeli Government:

> "According to information received, on 25 February 1994, 30 Muslim worshippers were killed by an Israeli settler while they were praying in the Haram al Ibrahimi Mosque (tomb of the patriarchs) in al Khalil (Hebron).
>
> During the months just before that massacre, complaints had allegedly been made about other acts of violence committed at al Khalil and elsewhere by Israeli settlers who reportedly acted with complete impunity, sometimes even before the eyes of Israeli soldiers.
>
> The Special Rapporteur is also concerned about reports that some 31 Palestinians and 1 Israeli civilian have been killed since the events at Hebron, by the Israeli forces in most cases, mainly during demonstrations or riots, organized or occurring in protest against the al Khalil massacre.

Violent religious clashes are reportedly also continuing at al Khalil.

On 16 May 1994, after a dispute between Israelis and Palestinians, at least 12 Palestinians were reportedly injured by settlers and Israeli soldiers. On 17 May, the armed wing of the Islamic militant Hamas group allegedly murdered two Israelis and seriously wounded a third in the head, south of al Khalil.

On 19 May, a Jewish settler from Goush-Kalif, in the south of the Gaza Strip, was allegedly wounded by Hamas group militants in an attack with automatic weapons.

The Special Rapporteur has also been informed that on 6 September 1993 an Israeli television journalist, Mr. Yoni Ben Menahem, who had interviewed Mr. Yasser Arafat on 3 September 1993 in Tunis, allegedly received a death threat from an extremist Jewish group called Kach."

Kazakhstan

In a communication dated 5 September 1994, the Special Rapporteur transmitted the following information to the Government of Kazakhstan:

"The Special Rapporteur has been informed of violations of the right to conscientious objection.

According to some reports, there are no arrangements for a non-military national service for conscientious objectors. The following case was brought to the attention of the Rapporteur and summarized below:

Mr. Roman Grechko, a Jehovah's Witness, was reportedly sentenced on 30 March 1994 to one year in prison by a court at Almaty for having refused to do military service."

Kenya

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following observations to the Government of Kenya:

"The Special Rapporteur has received reports that several incidents have caused growing tension between Muslims and Christians and created some hostility towards foreign Protestant humanitarian organizations. In particular, some Islamic leaders from Wajir, in the north-east of the country, have allegedly declared a jihad (holy war) against the Inland Africa Church and World Vision, which support humanitarian projects in Kenya. At a press conference on 24 August 2993, 15 Muslims extremist leaders are alleged to have declared that, if the Government did not put a stop to the activities of the two organizations, the Muslims of the region would do so themselves.

Specifically the organization World Vision was reportedly accused of being behind the desecration of 200 copies of the Koran, which were found in a latrine pit. World Vision reportedly denied any involvement in that desecration but continued to be subjected to petty annoyances by the authorities.

According to some reports, on 3 September 1993, a Christian pilot was killed in the north-east of the country, when armed men attacked a UNICEF post.

The Special Rapporteur has also been informed that the inter-ethnic conflicts between the Masai and the Kikuyu have resulted in massacres and the destruction of Catholic and Evangelical churches. In October 1993, 500 Masai allegedly attacked some Catholic and Evangelical places of worship in the south-west of the country and killed 10 persons from the Kikuyu tribe. This outbreak of violence is said to be a response to attacks, cattle-stealing and the murder of an elderly Masai, by Kikuyu from Narok.

The Masai are said to have damaged a Catholic church and beaten up some Kikuyu taking refuge there. An Evangelical church has allegedly also been destroyed. According to the information transmitted, Solomon Mwangi Kimemia, President of the Independent African Pentecostal Church of the Narok region allegedly died on 19 October 1993, from injuries sustained when he was bludgeoned by Masai. On 13 October 1993, Pastor John Karamu of the Church of the Disciples of Christ was allegedly subjected to the same ill-treatment, but reportedly survived his injuries.

The Special Rapporteur has also received information that, on 13 February 1993, the police confiscated copies of a Christian religious magazine called Watchman. On 16 February, the police allegedly arrested the Reverend Jamlic Miano, editor of the magazine, as well as another journalist. They were accused of sedition and allegedly held for three weeks before being released on bail.

Finally, it would appear from all these communications, that inter-religious tension, a certain amount of insecurity, the destruction of places of worship and threats to the life and physical integrity of priests and pastors allegedly help to create an atmosphere of religious intolerance and endanger the exercise of the freedom of worship."

Lebanon

In a communication dated 12 September 1994, the Special Rapporteur transmitted the following information to the Government of Lebanon:

> "The Special Rapporteur has been informed of the attack on the Church of Our Lady of Deliverance at Zouk on 27 February 1994. The act reportedly left 11 dead and 54 injured among the congregation attending mass. On 13 June, Samir Geagea, former head of the Lebanese militia and seven of his associates were reportedly charged with involvement in the attack and the death penalty called for.

> According to certain information, in 1993, two cemeteries were desecrated, and before the Christmas holiday, the Hezbollah reportedly made threats against Christians if they celebrated Christmas and New Year, two traditions which that organization deems to be neither Arab nor Muslim."

Liberia

In a communication dated 18 August 1994, the Special Rapporteur brought the following allegations to the attention of the Government of Liberia:

> "The Special Rapporteur has been informed that armed clashes have allegedly engendered an atmosphere of insecurity, the destruction of places of worship, murders of priests and pastors and the departure of many foreign missionaries.
>
> Cases that have been brought to the Special Rapporteur's attention are summarized below:
>
> - In April 1992, Father Seraphino Dalphont, an Italian priest, was allegedly arrested for possession of money issued by the interim Government and of a Catholic newsletter which was deemed seditious literature. He was reportedly released after paying a heavy fine but was again arrested for alleged espionage activities and held in Gbarnga police station until mid-May, when he was released and expelled to Côte d'Ivoire;
> - On 20 October 1992, two Catholic nuns of American nationality and one Liberian national employed in their convent were allegedly killed in the nuns' vehicle near Barnesville, a Monrovia suburb. The murderers were apparently members of the National Patriotic Front of Liberia;
> - On 23 October 1992, six soldiers of the National Patriotic Front of Liberia allegedly raided the Barnesville convent and killed three other American nuns.
>
> The Special Rapporteur has received reports that an armed Muslim group called the "Islamic warriors" is waging a jihad against the Christians in Lofa County, in the north of the country. These extremists have allegedly burned hundreds of villages and killed many people. In June 1993, they reportedly murdered three pastors and one minister of the Jehovah's Witnesses sect. One of them, Thomas Korfeh, was said to have been thrown into a tank filled with oil and had boiling water poured over his head. The Muslim extremists then reportedly lit a fire and boiled him in public, in order to inspire terror. The other two pastors, John Fallah and David Saah, were disembowelled. The population was then allegedly terrorized and humiliated in various ways. A curfew was then declared and anyone who did not respect it was killed. In addition, the "Islamic warriors" allegedly looted villages and stole all the church bells, closed all Christian places of worship and denied the congregation access to them. It was allegedly forbidden also to walk in the street with a Bible or any other Christian book, on pain of death."

Malaysia

In a communication dated 18 August 1994, the Special Rapporteur addressed the following comments to the Government of Malaysia:

> "The Special Rapporteur has been informed that measures have been taken to strengthen the anti-conversion laws.
>
> The State of Johor in southern Malaysia is reported to have adopted in 1991 a 'law relating to the control and restriction of the propagation of non-Islamic religions', article 4 of which provides as follows:
>
>> 'A person shall be deemed to have committed an offence if he or she by persuasion, influence, compulsion or incitement, or by holding or organizing an activity, presentation or entertainment induces or incites a Muslim to become an adept, member or supporter of a non-Islamic religion.'
>
> Under this law a fine of $4,000 and a four-year prison sentence may be imposed.
>
> According to reports received, in the towns of Johor, Bahru, Mukim, Plentong and Pasir Guolang, Christians encounter considerable difficulty in obtaining permits for the construction of places of worship. The local authorities are said to refuse or postpone the issue of permits. The following case has been brought to the attention of the Special Rapporteur:
>
>> In 1993, a town council allegedly approved the construction of the main edifice of a Catholic church. However, in August 1993, following a public protest by the local Muslim community, the authorities cancelled the building permit.
>
> In the educational sphere, in some Christian schools education officials are reported to have required the removal of all crosses and Christian symbols and their replacement by a star or crescent.
>
> The Special Rapporteur has also been informed that the Ministry of the Interior censures the employment of certain words whose use in the national language is restricted to Muslims and prohibited for non-Islamic religions. The words include Allah (God) and Salat (prayer). As a result, the sale of the Bible in Malay is allegedly banned as it contains some of the censured words.
>
> According to some reports, in the State of Kelantan the authorities intend to introduce the laws translating "Al Hudud", which under the Shariah treat theft, rebellion, adultery and fornication, false accusation of sexual offences, drunkenness and apostasy as crimes. Although Muslims make up 7 per cent of this State's population, the authorities are said to be attempting to introduce laws calling for amputation of a finger or a hand for theft, 100 lashes for sexual offences and the death penalty for apostasy."

In a communication dated 5 October 1994, the Special Rapporteur sent the following information to the Government of Malaysia:

> "According to the information received, a religious organization called 'Al Argam' has been banned by the Fatwa National Committee on the grounds that the movement's teachings and beliefs are at variance with the teaching and practice of Islam and could lead Muslims astray.
>
> The ban is said to relate to the organization's ideology (identification of Al Argam's leader, Ashaari Muhammad, as a prophet), philosophy, practice and publications.
>
> Following the ban, government representatives and senior officials are said to have threatened action against Al Argam followers and sympathizers. Investigations have reportedly been opened, in particular in the following universities: 'University Sains Malaysia' and 'University Kebangsaan Malaysia'.
>
> On 26 August 1994, the Government reportedly declared Al Argam to be illegal. Following that decision, mass arrests of that religious organization's supporters reportedly took place, followed by release on bail. In particular, on 27 August, 164 people are said to have been detained and then released on bail. In addition, Ashaari Muhammad, Al Argam's leader, has reportedly been in detention since 3 September, together with his wife and six-month-old daughter."

Morocco

In a communication dated 18 August 1994, the Special Rapporteur sent the following comments to the Government of Morocco:

> "According to reports, although the Constitution guarantees freedom of worship, in practice, only Islam, Christianity and Judaism are said to be authorized. The Baha'is, a community of 150 to 200 persons, has reportedly not been allowed to meet or to have public activities since 1983.
>
> Moreover, according to Islamic law and tradition, renouncing the Muslim faith is strictly forbidden and any attempt to convert a Muslim is punishable by imprisonment. The Special Rapporteur has been informed that, in September 1993, 19 Muslims were allegedly arrested because they had received Christian literature from a foreigner. One of them, Mustapha Zmamda (29 years of age), who had become a Christian after listening to radio broadcasts from Monte Carlo and had taken Bible-study courses by correspondence, had refused to sign an undertaking not to receive Christian literature. The 18 others accused are said to have signed this undertaking under duress. Because of his refusal to sign, Mr. Zmamda was allegedly sentenced to three years' imprisonment and was released after two months in detention after he renounced Christianity. A Brazilian missionary, who led Bible-study meetings which Mr. Zmamda attended, reportedly resigned from his teaching post after his employer was threatened with withdrawal of his licence.

> According to reports received, the distribution of the Bible is restricted to foreigners."

In November 1994, the Special Rapporteur received the following information from the Government of Morocco:

> "The Baha'is do not constitute a religious minority; rather, they are a heretical sect that threatens the foundations of Islam and distorts its precepts.
>
> Nevertheless, it is worth emphasizing that the Moroccan Constitution and the Moroccan Penal Code guarantee respect for freedom of religion, in conformity with the principles and provisions of the Universal Declaration of Human Rights and International Covenants on human rights.
>
> Mr. Mustapha Zmamda was not released because he renounced Christianity, but because he had been found not guilty by the Casablanca Appeal Court on the proselytism charge, which is punishable under articles 220 and 221 of the Penal Code.
>
> Furthermore, Moroccan penal legislation does not prohibit conversion to Christianity. Mr. Zmamda's case does not therefore fall within the province of Moroccan Penal Law applicable to cases of proselytism, which is strictly forbidden."

Mexico

In a communication dated 17 August 1994, the Special Rapporteur sent the following information to the Government of Mexico:

> "According to certain reports, the following cases have been brought to the attention of the Special Rapporteur.
>
> In September 1992, Morelas Madrigal Lechino, an active member of a popular religious organization, was reportedly taken in for questioning in Mexico City by members of the Federal District judicial police. He was held incommunicado for two days and beaten, threatened with death and questioned about his activities.
>
> In mid-January 1993, a dispute between the authorities of Santiago Asajo (State of Michoacan) and an independent evangelical group led to the destruction of their church and the temporary arrest of three religious leaders. Several evangelists were injured in the attack which was allegedly carried out by a group of about 40 Catholics.
>
> The Rose of Sharon Presbyterian church, in the south-west of Mexico City, has reportedly been the target of attacks by unidentified persons who have repeatedly stoned the building, breaking its windows on 15 April 1993.
>
> There have also been reports that in June 1993, some Catholics stoned a group of 140 Baptists attending a service commemorating their

first anniversary at Saint Nicolas Guadalupe. Scores of men, women and children were injured. The place of worship was heavily damaged and 11 vehicles belonging to church members were said to have been destroyed and burnt.

In June 1993, at least 454 members of various Protestant communities (Presbyterians, Pentacostalists and Adventists) and Catholics of San Juan Chamula municipality were reportedly expelled by force for having abandoned the Chamula religion and converted to Christianity. Anyone found reading the Bible has been threatened with expulsion from Chamula lands. Christians who do not participate in the local Chamula festivals are said to be marginalized and risk of stirring up popular resentment.

On 6 August 1993, five Presbyterian families were reportedly expelled from the San Juan Chamula d'Ardenza Uno community. Two brothers, Juan and Salvador Patishtan, received notice of expulsion and the mayor of the village threatened that they would be beaten and killed if they attempted to return. When the families tried to return to their homes on 19 August, they were allegedly beaten and detained in the San Juan Chamula prison for one night.

On 30 January 1994, an armed man is said to have attacked 80 Protestants attending a religious service at the Bethel church in Cerro de la Bandera, a town in the State of Durango. Cruz Salvador, a member of the congregation was fatally wounded and Eutilia Flores received serious injuries. The few Protestants in the region have allegedly been persecuted because of their faith."

Mongolia

In a communication dated 5 September 1994, the Special Rapporteur sent the following comments to the Government of Mongolia:

"According to the information received, discrimination is being practised against Christians. It is claimed that, from a legal standpoint, the Law on Church-State Relations adopted on 30 November 1993 contravenes freedom of religion and the principle of non-discrimination. It would seem to be necessary to take note of the six following articles of this Law:

- Article 4.2 '... The State will respect the predominant position of the Buddhist religion in Mongolia';
- Article 4.7 '... The organized propagation of religion from outside are forbidden';
- Article 4.8 'The absolute number of lamas and clergy and the location of churches are controlled and regulated by State';
- Article 7.5 'It is forbidden to introduce activities which are either alien to the traditions and customs of the Mongolian people, or inhumane';

- Article 8.2 'The organization of religious instruction and gatherings in State educational establishments or organization is forbidden ...';

- Article 9.1 'Request by citizens to establish churches will be received by khurals of representatives of the citizens of aimaks (local councils) and the capital. They will make decisions as to whether the requests are to be approved or refused and on the basis of such permission being given the central organ of State administration concerned with questions of justice will register the church'.

Acts of discrimination against Christians are in fact alleged to have taken place, Mongolian newspapers have been disparaging Christianity since 1991. On 14 January 1994, according to the newspaper Democracy, one of the authors of the draft law adopted on 30 November 1993, High Lama Choyjamts, stated that Christianity had no place in Mongolia. The incidents summarized below have also been brought to the attention of the Special Rapporteur:

- In May 1992, Mr. Danny Arichea, consultant translator to the United Bible Society in Hong Kong was refused a visa to visit the Mongolian Bible Society. The reason given for the refusal was that the Mongolian Bible Society was not permitted to issue invitations to foreigners;

- In January 1993, Mr. Danny Arichea and Ms. Jean Li Tsai of the United Bible Society in Hong Kong were unable to obtain visas;

- In July 1993, the Mongolian Christ Church was no longer authorized to rent the hall of the Mongolian Information Centre for meetings. Authorization for use of the Mongolian Cultural Centre hall was renewed in August 1993, but only for Tuesday evenings after working hours and Sunday mornings;

- In December 1993, two Russian Christians, Aleksei Yakovleyvich Kurkin and Igor Sergeevich Lazyanin of the organization 'Friedanstimme', who had received invitations from the Mongolian Bible Society, were denied visas;

- Since January 1994, the Christian churches, including the Mongolian Christ church, have been under threat of losing their places of worship, as a result in particular of article 8 of the Law of 30 November 1993. In Mongolia, the churches do not own their own places of worship as they have insufficient funds for the purpose and must rent them from the State. The above-mentioned article could lead to a refusal to authorize the letting of public premises for religious purposes."

Myanmar

In a communication dated 18 August 1994, the Special Rapporteur sent the Government of Myanmar the following information:

> "According to the information received, members of the Buddhist, Christian and Muslim religious communities continue to be persecuted.
>
> Muslim inhabitants of the Tamai district of Kawthaung (Victoria Point) allegedly suffer serious victimization by the SLORC authorities. It is claimed that the latter are attempting to demolish their mosque in order to build a store. In addition, 47 graves in the Muslim cemetery are reported to have been desecrated and dug up. It is also reported that the Muslim inhabitants of the Bayintnaung district have been threatened with expulsion.
>
> According to some reports, at least 1,000 Buddhist monks are imprisoned and monks are still being subjected to some repression. Temples are reported to be under army supervision and some of them are searched several times a day. Many monks have been forced to seek refuge in the jungle without any means of support and to leave the country. The Special Rapporteur has received information on the cases of the following monks:
>
>> Ven. Baddanda Rajadhama Bi Wuntha, who was responsible for training 500 monks at Masoeyain monastery in Mandalay and who has allegedly been imprisoned in Mandalay since 1990 for having refused to attend religious ceremonies organized by the authorities;
>>
>> Ven. Baddanda Kaw Wi Dar Bi Wuntha, head monk of the ancient Masoeyain temple in Mandalay and responsible for training monks, who has allegedly been detained in Mandalay prison since 1990 for having refused to attend religious ceremonies organized by the authorities;
>>
>> Ven. Baddanda Tareelanka Bi Wuntha, head monk of the Ywarma religious school (Insein, Yangon), who has allegedly been detained in Insein prison since 1990 for having opposed the murder of two priests and two students on 8 August 1990 and for having boycotted official religious ceremonies.
>>
>> Ven. U. Yewarda, founder of the 'Union of Monks' ('Thanka Thamaki') in Mandalay, who was reportedly arrested on 19 October 1990 and imprisoned in Mandalay prison for having opposed the murder of monks and students on 8 August 1990 and for having boycotted official religious ceremonies. He was allegedly interned in a labour camp at Myitkyina (Kachin State);
>>
>> Awtha Dathara and Ne Meinda, young Buddhist monks who were allegedly arrested in October 1990 for having written poems during a police check of Mandalay Buddhist clerics of the Shangha Sammagi movement. Other monks who were arrested with them have allegedly died in prison because of prison conditions;

> Nai Nawn Dho, a Buddhist monk from the Mon ethnic minority in Yangon who was allegedly arrested in January 1991 and accused of belonging to a group of Mon Buddhist monks."

Nepal

In a communication dated 19 October 1994, the Special Rapporteur sent the following comments to the Government of Nepal:

> "The Special Rapporteur has been informed that legislation and a firm policy are reportedly being observed with regard to any proselytizing activity. Many persons working to propagate their faith are therefore said to be in difficulty and some have even been arrested, although law and order do not seem to be in any danger."

Nigeria

In a communication dated 18 August 1994, the Special Rapporteur sent the following information to the Government of Nigeria:

> "The Special Rapporteur has been informed that nearly 65 people were injured in clashes between Christian and Muslim students at a secondary school in Kano, capital of the State of Kano, on 9 February 1994. The clashes allegedly broke out after a heated argument between extremist and moderate Muslim students about the importance of participating in prayer.
>
> The incidents allegedly occurred when a Christian student joined in the discussion to defend one of his Muslim schoolmates who was being accused of not performing his religious duties.
>
> It has been reported that the ban against the Maitatsine Muslim sect still exists, although it is not enforced."

On 30 September 1994, the Permanent Mission of Nigeria in Geneva transmitted the following information:

> "The Mission wishes to inform that the Constitution of the Federal Government of Nigeria abhors all forms of intolerance and discrimination based on religion or belief. The law is widely enforced by the Nigerian Security Agencies.
>
> However, the allegation of the Special Rapporteur that 'nearly 65 people were injured in clashes between Christian and Muslim Students in Kano on 9 February 1994' has been transmitted to the relevant Nigerian authorities for necessary action.
>
> The Mission will communicate again to the Centre for Human Rights as soon as any information regarding the issue is received from the capital."

Uzbekistan

In a communication dated 21 October 1994, the Special Rapporteur transmitted the following information to the Government of Uzbekistan:

> "According to information received, at least eight conscientious objectors have been imprisoned, even though the right to freedom of conscience is recognized in the new Constitution of Uzbekistan.
>
> It is also stated that under a 1992 Order, the Government represses any group trying to organize by reference to Islam. In particular, it is alleged at the end of 1992 to have banned the Uzbekistan section of the group called the 'Islamic Renaissance Party' and ordered the arrest of its leader Abdulla Utaev. It is also said to have banned the Islamic group 'Adolat' ('Justice'), based at Namangan, and in 1993 imprisoned its leader Khakim Satimov, apparently on false charges.
>
> Five persons from Namangan were also reportedly arrested near the Afghan border after stating that they were going to Afghanistan to study at a college and to go on a pilgrimage to Mecca in Saudi Arabia. The authorities allegedly tried to prove a link between these persons and the Islamic group Adolat, despite their denials. They were reportedly sentenced on 22 September 1993 to prison terms of from 5 to 10 years, inter alia, for treason and leaving the country illegally.
>
> The Special Rapporteur has been informed that the authorities reportedly closed three churches on 12 June 1994: the Charismatic Church, the Korean Baptist Church and the Full Gospel Church. This measure might, in particular, be the result of street evangelization activities by the Charismatic Church, which is said to have had its legal status withdrawn even though it was officially registered. In June 1994, moreover, a Tashkent evangelist was reportedly interned in a psychiatric asylum after being warned several times that he should stop showing the film 'Jesus'."

Pakistan

In an urgent appeal dated 6 September 1994, the Special Rapporteur transmitted the following information to the Pakistani Government:

> "According to the information I receive, in Lahore, a group named the 'Tehrik Tahaffuz-i-Namoos-i-Risalat' ('Movement for the Preservation of the Sanctity of Prophethood') would have call to 'seek out and put to death' each of those it named as the 'greatest blasphemers of our times'. The targets would be the chairperson of the Human Rights Commission of Pakistan (HRCP) Asma Jahangir and three Christian leaders, Tariq C. Qaisar, Father Julius and J. Salik.
>
> I would be most grateful to the Government of Pakistan for its views and comments on the allegation I have received. I would also request the Government to inform me of any measures which it has taken, or envisages, to combat hatred and religious intolerance and to make respect relevant international human rights instruments."

In a communication dated 21 October 1994, the Special Rapporteur transmitted the following observations to the Pakistani Government:

> "The Special Rapporteur has been informed that the blasphemy law has reportedly been amended to make admissibility of blasphemy proceedings subject to sufficient evidence and facilitate the prosecution of persons who make false accusations of blasphemy and break the law. The Special Rapporteur has also been informed that, in a decision of 14 April 1994, the Lahore High Court reportedly laid down the principle that blasphemy against any prophet of God is tantamount to blaspheme against the prophet Mohammed. The Special Rapporteur would like to receive copies of the above-mentioned texts, together, if possible, with any comments the Government of Pakistan might like to make.
>
> According to the information received by the Special Rapporteur, there have also been serious violations of the right to freedom of religion. Despite the amendments, the blasphemy laws are said to help create a climate of religious intolerance and to promote acts of violence affecting the Ahmadi and Christian minorities and even Muslims.
>
> The Ahmadi minority
>
> The Special Rapporteur has been informed that the persecution of the Ahmadi community has reportedly increased considerably since the decision of the Supreme Court on 3 July 1993 to interpret article 20 of the Constitution of Pakistan on religious freedom as being subject to 'Islamic law'.
>
> The Ahmadi community in Lahore was reportedly attacked 13 times between December 1993 and March 1994 by armed men, presumed to be members of an armed Islamic group. The latest attacks resulted in 2 dead and more than 10 seriously injured, including students, doctors, university professors and other leading persons in the Ahmadi community. Specifically, it was reported that, on 2 February 1994, Mr. Rana Riaz Ahmad was killed by men identified by his family. However, only two of the alleged killers identified were reportedly questioned by the police. On 6 February 1994, Mr. Ahmad Nasrullah, son of Mr. Hamid Nasrullah, 'Ameer' (head) of the Lahore Ahmadi community, was reportedly found dead. No action by the police to bring the persons responsible to justice has been reported. The police is said to have refused to register the complaints of the victims' families who have submitted information on the identity of the persons responsible and on the registration number of their vehicle. It has also been reported that the police registered a complaint against two Ahmadis who were beaten and taken to the police station by their aggressors. In addition, the police reportedly does not provide any real protection for the Ahmadi community.
>
> According to information communicated to the Special Rapporteur, on 15 January 1994, complaints of blasphemy were made by the Deputy Commissioner of Jhang (Punjab province) under article 298 C of the Penal Code against five journalists, Noor Muhammad Saifi (aged 77),

Agha Saifullah and Qazi Munir Ahmed, respectively, chief editor, publisher and printer of the daily newspaper Al Fazal published in 1993 and the June 1993 issue of Ansarullah.

The Deputy Commissioner of Jhang is said to have addressed the following letter to the Jhang police concerning the Al Fazal question:

> 'Subject: Proceedings against Al Fazal.
>
> Memorandum. Please find enclosed a copy of the 2 November, 20 September, 20 and 9 October 1993 issues of Al Fazal, in which the 'qadianis' (Ahmadis) propagated or preached their faith. By claiming to be Muslims, they are offending the religious feelings of Muslims. The district magistrate of Jhang considers that the guilt of the chief editor and the publishers has been established under the terms of article 298 C of the Penal Code. We therefore request you to institute criminal proceedings against the chief editor'.

The charges against the monthly Ansarullah publication are reportedly the following:

> 'The district magistrate considers that the chief editor [...] has preached the Ahmadi faith in this publication, thereby committing an offence under article 298 C of the Penal Code'.

Two other complaints were reportedly made on 21 January 1994 under article 298 C and four more were made on 15 February against the chief editor, publisher and printer of Al Fazal. The Deputy Commissioner of Jhang is said to be the complainant in all these cases.

On 7 February, the Chiniot magistrate is reported to have rejected the requests by the five journalists for release on bail and is said also to have charged them with blasphemy under article 295 C, an offence which is punishable by death. The five men were reportedly remanded in custody and imprisoned in Chiniot. Their request for release on bail was reportedly finally accepted on 7 March and they are said to have been released. Proceedings are currently under way in the Rabwah Court (Punjab province).

The Christian minority

A number of Pakistanis who are of the Christian faith or have converted to Christianity are reported to have been victims of the blasphemy laws. In addition to the cases mentioned by the Special Rapporteur in document E/CN.4/1992/52 and in the communication of 8 November 1993, i.e. those of Naimat Ahmer, Tahir Iqbal and Gul Masih, it is reported that some 25 Christians have been accused of blasphemy since April 1994.

The following cases have been drawn to the attention of the Special Rapporteur:

(a) Anwar Masih, a Christian, married and father of three children, was arrested on 2 February 1993 in Sammundri, Faisalabad (Punjab province) following a complaint made against him by Haji Mohammad Tayyab, the local head of Anjuman Siphal-e Sahaba (ASS). According to the complainant, Anwar Masih is reported to have shouted angrily, insulting Muslims and blaspheming. Mass demonstrations in Sammundri demanded that Masih should be tried by a so-called 'special court for speedy trial' and publicly hanged. In addition, the day after his arrest under section 295 C of the Penal Code, strikes are reported to have taken place in protest against him. The complainant is said to have stated that, on 1 February 1993, Masih made blasphemous remarks during an argument with Mohammad Aslam, a tradesman. The latter is reported not to have made any complaint, apparently not seeing any reason to do so in view of his friendly relations with Masih. Aslam is said to have simply reported the incident to members of ASS, including Tayyab, who decided to make a complaint. Anwar Masih, who was born into a Christian family, is said to have converted to Islam twice and then to have reverted to the Christian faith. According to some information, Masih was a drug addict and was considered mentally unstable by the members of his community. According to some testimonies, Aslam and Masih both insulted each other's religion during their argument. However, under the blasphemy laws, only alleged attacks on Islam may be the subject of complaint. The Special Rapporteur was also informed that Masih was associated with local protests which related to the indication of an individual's religion on his national identity card and which reportedly displeased ASS. Anwar Masih is said to have rejected the charges of blasphemy and explained that he had simply had an argument over debts. Masih, who was initially detained at Sammundri prison, was reportedly transferred to Faisalabad prison. ASS members continued to organize protest demonstrations in Sammundri during the month of February. They also threatened to burn down the Christian areas of Sammundri (inhabited by some 20,000 Christians) unless Masih was publicly hanged. Proceedings are reported to be still under way.

(b) Sorvar Bhatti (case mentioned in the communication of 8 November 1993 is said to have been released from prison in early 1994 after having been cleared of charges of blasphemy. According to some information, however, Sorvar Bhatti was forced into hiding following death threats by complainants.

(c) Chand Barkat, a 30-year-old Christian, was arrested on 8 October 1991 for blasphemy and is reported to have been acquitted in January 1993. Six Muslim witnesses reportedly admitted in court that they had not heard Barkat blaspheme. None the less, since his release on 24 January 1994, Barkat and his family are said to have repeatedly been the victims of harassment and intimidation by their Muslim neighbours. In addition, local Muslim clergymen are said to have made death threats against Barkat. The complainant, Mohammad Arif, is also said to have established a group that has sworn to kill Barkat.

(d) Habib Masih, a Christian leader in Shanhkot, Sheikhupua, near Lahorem was arrested for blasphemy in November 1993 after an amulet containing verses of the Koran was found on the road. Local clergymen are reported to have announced by loudspeaker that a non-Muslim had dishonoured the Koran and put pressure on the police, which arrested Masih on charges of blasphemy. In addition, 5,000 to 6,000 persons reportedly besieged the police station to try to kill Masih. Several policemen who tried to stop them were wounded. The following day, a Muslim filed a complaint against Masih, but later stated that he had acted under pressure. Habib Masih's wife stated in a national newspaper, The Friday Times, that her husband had been warned to give up his occupation (making religious amulets) or suffer the consequences. Habib Masih was released on bail from Sheikhupura prison, but proceedings are still under way.

(e) Concerning the three Christian youths, Rehmat Masih, Manzoor Masih and Salamat Masih (aged 13), who were arrested on 11 May 1993, detained in Gujranwala prison for blasphemy after being accused of having written defamatory inscriptions on the walls of the mosque in Rotto Dohran village (case referred to in the allegation of 8 November 1993, communicated to the Government of Pakistan) and then released on bail in November 1993 (for Salamat Masih) and 12 January 1994, the Special Rapporteur has been informed that Mr. Manzoor Masih is reported to have been killed and that Mr. Rehmat Masih, Mr. Salamat Masih and a human rights activist, Mr. John Joseph, were injured in a shoot-out on 5 April 1994. The three accused were reportedly escorted by the police to their lawyer's office near the Advocate General's Office behind the Supreme Court of Lahore. After they had spoken with their lawyers and were leaving the office unescorted, they were attacked by three unmasked motorcyclists who fired at them with Kalashnikov AD 47s. The aggressors were reportedly three Muslims from the Sepah-e-sahab Islamic Party. According to testimonies made available to the police, they were Mr. Imam Bux, Mr. Mohammad Akaram and Mr. Malik Sadiq. The attack was reportedly authorized by two leaders of the Sepah-e-sahaba Islamic Party, Master Enayat and Maulvi Muhammad Fazl-e-Haq, who was the main complainant in the case against the three Christians, who, according to experts, were wrongly accused. The three injured persons, Mr. Rehmat Masih, Mr. Salamat Masih and Mr. John Joseph, were reportedly taken to Sir Ganga Ram Hospital. Because of the serious wounds he sustained, Mr. Rehmat Masih, who was hit by several bullets in the head and other parts of the body, was kept in Sir Ganga Ram Hospital, while his two companions were taken to Mayo Hospital. Some 5,000 persons reportedly gathered for Mr. Manzoor Masih's funeral, which took place peacefully under police protection. Mr. Manzoor had a wife and 10 children. The police are said to have arrested three suspects, including the main complainant, and investigations appear to be continuing. However, intimidation of the victims has reportedly not stopped and their families continue to receive threats. An attempt was allegedly made to burn down John Joseph's house.

(f) The Special Rapporteur was also informed that, on 13 March 1994, the church in Jindrea village, near Lahore, was attacked by Muslims. The clergyman of the local mosque, Imman Masjid, is said to have organized this attack, during which several Christians were reportedly seriously injured. The police did not arrest the persons who committed the act and who belong to extremist groups. In May 1994 in

Khara Janje village in Punjab, Muslim villagers reportedly burned down at least 12 houses belonging to Christian families, following the discovery of the corpse of an 18-year-old Muslim Sheikel. Muslim villagers are reported to have stated that an 18-year-old Christian, Safraiz, who was involved with Sheikel's sister, killed him. Safraiz was reportedly being held in custody while the police conducted investigations.

Other cases

The Special Rapporteur has been informed of the other following cases:

(a) Arshad Javed, a Muslim, was reportedly sentenced to death on 9 February 1993 by the District and Sessions Court in Bahawalpur in Punjab province for having claimed that he was Jesus Christ. He is also reported to have been sentenced to three years' imprisonment for having said that he had read and approved Salman Rushdie's Satanic Verses. Arshad Javed is said to have been arrested on 14 February 1989 for having claimed at a demonstration of students protesting against the Satanic Verses that he was Jesus Christ, that God was his father and that judgement day would be on 21 February 1989. The demonstrators reportedly beat him and gagged him to a police station, where he was arrested and accused of blasphemy. Arshad Javed is in fact reported to be mentally ill. After a year's treatment in a psychiatric hospital, he was transferred to Bahawalpur Central Prison. Appeal proceedings before the High Court of Lahore are said to be continuing.

(b) Hafij Farooq Sajjad, a Muslim, is said to have been stoned to death by a crowd in Gujranwala (Punjab province) on 21 April 1994. Sajjad's father is reported to be a member of the Jamaat-e-Islamic party and Sajjad is reported to be a faithful Muslim, a hafiz-e-Qur'an (a person who has learned the entire Koran by heart). According to certain information, it was reported that some pages of the Koran had been burned during a fight in Sajjad's house. A Muslim religious leader reportedly announced by loudspeaker that a Christian had burned the Koran and that he should be stoned to death. Subsequently, the crowd beat Sajjad and locked him up in this house. Shortly thereafter, the police are said to have taken him to the police station. However, it is reported that the crowd, which had grown larger by then, attacked the police station, stoned Sajjad, drenched him in kerosene and burned him, probably alive. The victim's body was then reportedly tied behind a motorbike and dragged through the town. It is reported that the police instituted proceedings against five persons, but none was arrested.

(c) In Lahore in July 1994, an extremist group called 'Tehrik Tahaffuz-i-Namoos-i-Risalat' (Movement for the Preservation of the Sanctity of Prophethood) reportedly distributed stickers and posters calling for the murder, for blasphemy, of the President of the Pakistan Human Rights Commission, Mrs. Asma Jahangir, and three Christian leaders, Tariq C. Qaisor, Father Julius and J. Salik."

On 11 November 1994, the Permanent Mission of Pakistan transmitted the following information in reply to the allegations of 21 October 1994:

"1. Pakistan is a signatory to more international conventions/ instruments of the United Nations than many other developing countries. Its Constitution guarantees fundamental human rights, including freedom of speech, association, religion and prohibits discrimination on the basis of race, sex, religion and ethnicity.

Minorities in Pakistan

2. Minorities in Pakistan enjoy all rights and liberties which are guaranteed in the Constitution of Pakistan. The following articles of the Constitution of Pakistan safeguard the interest of the minorities in the country.

Article 36

'The State shall safeguard the legitimate rights and interest of minorities, including their due representation in the Federal and Provisional services.'

Article 21

'No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.'

Article 22

'1. No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship if such instruction/ceremony or worship relates to a religion other than his own.

2. In respect of any religious institution there shall be no discrimination against any community in the granting of exemption or connection in relation to taxation.

3. (a) Subject to law, no religious community or denomination shall be prevented from providing religious instructions for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination, and

(b) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.'

Article 27

'No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex residence or place of birth.'

3. These provisions clearly indicate that the Constitution provides full protection and equal treatment to the minorities and there is no bias, for or against, on the basis of colour, race or religion.

4. The attack on the three accused, Remat Masih, Salamat Masih and Manzoor Masih, was a regrettable, but isolated action of fanatic individuals, one of whom has been arrested, while efforts are under way to arrest the two remaining accused. The allegations of fears of religious persecution against Ministries in Pakistan are unfounded.

5. As Pakistani citizens, members of the Christian community have the right to profess their religion, and to establish, maintain and manage their religious institutions. They also have due representation in the National Assembly. They enjoy full freedom of opinion and expression, as is available to the other citizens of the country and, like all other Pakistanis, they have the liberty to seek remedy from the courts under article 199 of the Constitution of Pakistan. Courts in Pakistan, like in any other democratic country, are free, and cases are decided in accordance with the laws of the land.

6. The Ahmadiyya issue has a century-old history. The problem arose when a group of persons led by Mirza Ghulam Ahmad denied the finality of Prophet Muhammad (Peace Be Upon Him) which, after the unity of God, is a fundamental tenet of Islam. Its denial led to violent agitations against the Ahmadiyya community in 1953 and in 1974. The matter was deliberated upon in the legislature and the consensus of the nation was arrived at in the shape of an amendment in the Constitution through a unanimous vote of the National Assembly in 1974. This amendment had two objectives:

(a) To safeguard the religious sentiments of Muslims (the overwhelming majority of the population);

(b) To protect the Ahmadis from any adverse reaction arising from what had historically been regarded as a repudiation of a fundamental belief of the Muslims.

7. Undoubtedly, the controversy between the Ahmadis and Muslims continues to be emotive, but strong statements made by individuals in a religious context are not to be taken as the policy of the Government of Pakistan. The complaints and concerns of the Ahmadiyya community are based evidently on presumption rather than fact. The allegation concerning persecution of Ahmadis is totally baseless.

8. The Ahmadis, as a non-Muslim minority, have been accorded all the rights and privileges guaranteed to minorities under the Constitution and laws of Pakistan. The Government has taken the necessary legislative and administrative measures so as to maintain sectarian peace.

9. The exercise of a right is never absolute. The International Covenant on Civil and Political Rights, while proclaiming the freedom of religion or belief in article 18, stipulates in paragraph 3 of the same article that:

> 'Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'

10. This condition is repeated in paragraph 3 of article 1 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

11. In the same spirit, the Constitution of Pakistan provides in article 20 that:

> 'Subject to law, public order and morality, every citizen shall have the right to profess, practice and propagate his religion and to establish, maintain and manage religious institutions.'

12. Ahmadis in Pakistan enjoy full civil rights including the right of political franchise. In Pakistan a system of separate elections for each religious community has been adopted to ensure that all minorities are represented in the legislatures. The Ahmadis, like other minorities in Pakistan, have full freedom of expression under the law and this is evident from the fact that they have the largest number of publications brought out by any minority in Pakistan.

13. There is no discrimination against them as regards their employment opportunities in Pakistan.

14. Many members of the Ahmadi community hold important positions in the services of Pakistan, both civil and military. Not a single Ahmadi has been removed from government employment on the grounds of his religious beliefs. Anyone familiar with the true situation in Pakistan can bear testimony that there does not exist any plan or campaign, official or otherwise, to persecute the Ahmadi community. Despite that, some individual instances do exist, and these are then dealt with in accordance with the law.

Blasphemy law

15. Laws concerning the offences relating to religion existed in the Pakistan Penal Code since its promulgation in 1860, such as sections 295 to 298. In 1927 a new section 295 A was introduced. Subsequently, during the martial law regime, section 295 B was added in 1982 and section 295 C, commonly known as the 'Blasphemy Law', was incorporated in the Penal Code of Pakistan in 1986.

16. Section 295 C is the centre of attention of various human rights organizations in Pakistan and abroad, which are demanding that it be repealed. The factual position is that the Blasphemy Law is not a peculiar feature of Pakistani law alone. Such laws exist in Germany, Italy, the United Kingdom and the United States, and some other countries, including Muslim countries. The complaints and grievances

emanate not from the law itself but sometimes on account of misuse or abuse of this provision of law through the registration of false, baseless and frivolous cases.

17. Only about 26 cases were registered under section 295 C from October 1986 till October 1993. Another three cases were registered under this section from October 1993 till 31 May 1994. The majority of these cases, i.e. 18, were registered in the province of Punjab, 7 in the province of Sind and 4 cases in the Frontier province. Out of these cases conviction has been pronounced in three only. The sentence of death has been handed down to two persons only, one Christian and one Muslim. Appeals against the convictions are pending in the High Court of Lahore. Not a single sentence of death has been carried out in any case.

18. The Government is determined to thwart any attempts to spread ethnic and religious intolerance and frenzy. It is the objective of the Government to establish a liberal, moderate, tolerant and progressive society. The Government, realizing that some extremist elements are attempting to misuse or abuse the law, has decided to amend section 295 C as follows:

(a) The offence under section 295 C is proposed to be made a non-cognizable offence, which means that an ordinary police officer will not be entitled to register a case. Instead a case will only be registered under orders of a court if it is satisfied that prima facie evidence exists in support of the complaint.

(b) If a complaint is found to be false and frivolous, the complainant will be liable to be punished with imprisonment of seven years.

19. The Government of Pakistan has already discussed these proposed amendments with the representatives of the minorities, as well as with Muslim religious parties in and outside the Parliament. Generally, the Government has received a favourable response to these proposed amendments from most of the concerned organizations. The Government intends to move a proper bill in this regard in the National Assembly in the near future.

20. The Government of Pakistan sincerely believes in upholding human rights. Realizing the importance of human rights, a cell to monitor violations of human rights has been established in the Federal Government for the first time in the history of Pakistan. The cell is headed by a human rights activist. Any violation of human rights which is brought to its notice is investigated and the victims are provided with the necessary relief and the culprits are punished, whether they be ordinary citizens or members of the local administration. In particular, cases of violence against women, children and minorities are strictly checked and investigated.

21. In recent years a new concept has developed in Pakistan's judicial system, namely, the concept of 'public interest litigation'. The judiciary responded to the demands of society and, in a conscious effort

> to alleviate the sufferings of the masses and in order to assert its constitutional role, came up with a solution in the form of public interest litigation for the eradication of social evils through the medium of the law, as is enjoined by the Constitution. Today, public interest litigation is being used effectively in Pakistan to protect against the violation of the human rights of all classes of society."

Philippines

In a communication dated 5 October 1994, the Special Rapporteur transmitted the following observation to the Government of the Philippines:

> "According to the information received by the Special Rapporteur, 15 Christians were killed on 8 June 1994 on Basilan Island, a part of the Sulu Archipelago in the southern Philippines. The victims are said to belong to a group of 36 people taken hostage by a commando under the orders of Abu Sayyaf, the dissident Muslim fundamentalist leader of the Moro National Liberation Front (FMLN). Father Cirilo Nacorda, a Spanish priest, is said to be among the people still being held. Father Cirilo Nacorda is reported to be the successor of Father Bernardo Blanco, a Spanish priest, abducted in 1993 by the same rebel group and held hostage for several weeks until he escaped. It is stated that his abductors had abducted an American Franciscan missionary in August 1992. According to the police report, the rebels stopped a convoy of several vehicles carrying 60 or so people. They reportedly let the Muslims go, after identifying them by making them recite a Muslim prayer. When the police were about to catch up with them, they reportedly killed 15 of the Christians and took away the other 21."

Romania

In a communicated dated 31 August 1994, the Special Rapporteur transmitted the following information to the Romanian Government:

> "According to information received, the media are allegedly contributing to the creation of a climate of religious intolerance against evangelists through press articles attacking the latter. The media are also allegedly supporting calls by Orthodox leaders and jurists for the Government to adopt and vote on a religious bill of law to protect the dominant Orthodox Church against proselytism by neo-Protestant and Western evangelical groups."

On 25 October 1994, the Romanian Government transmitted the following information to the Special Rapporteur in reply to the above-mentioned allegations:

> "After December 1989 a great number of 'preachers', 'prophets', as they are calling themselves, came to Romania
>
> Some of them proved to be honest, keeping their activities in the framework of a purely religious presentation and commentary of the Gospel.

Others, and not very few, proved to be spokesmen of a strange religious mixture between theophisycal value system and the promotion of the 'curing through miracles' cult, a fact which very often, was overcoming the religious field, entering the political one.

More than that, some of the foreign preachers, following their aim on disparaging the Romanian denominations, especially the Romanian Orthodox Church, were asking, in public, for Romanian religious reconversion, as well as for changes in the Romanian policy.

Often, some of these situations displeased the Romanian authorities and believers, knowing the fact that those 'preachers' were not invited to Romania by the Romanian religious denominations or associations. This kind of attitude could explain certain opinions which were set forth in the religious and lay press, towards the presence in Romania of some obscure 'preachers' promoting a religious propaganda which is not in the spirit of the Gospel, most of them unknown, even by the religious denominations or organizations of their own country.

In this specific context, the Romanian authorities were asked to permit the entrance into the country only of those preachers which had been invited by the Romanian religious denominations and associations - more than 250 - and under the condition of not promoting any religious propaganda or proselytizing activities which could offend the religious faith of the Romanian believers.

At present, with the participation of the representatives of all the 15 religious denominations in Romania, the Draft Law regarding the religious denominations in Romania has been elaborated and submitted to the Parliament.

Article 4 of the Draft Law provides that 'the religious denominations are equal between themselves, before the public authorities without any privilege or discrimination. The State will not promote or stimulate any privileges or discriminations among religious denominations, through administrative measures, domestic or international law'."

Rwanda

In a communication dated 31 August 1994, the Special Rapporteur transmitted the following information to the Government of Rwanda:

"According to information received, several massacres of clergymen have allegedly been committed in Rwanda. The following cases have been brought to the attention of the Special Rapporteur:

(a) At Ruhuha, the Belgian Father André Caloone was killed on 7 April 1994 within the precincts of the parish church;

(b) At Kigali, in the district of Nyamirambo, 9 priests and 63 other persons were murdered and grenades exploded at St. André's College in early June 1994;

(c) At the Christus Centre at Kigali, three Tutsi Jesuit priests were killed by soldiers on the morning of Thursday, 7 April. The victims were Chrysologue Mahame, Patrick Gahigi and Innocent Rutagambwa. Nine young African girls from the Vita et Pax Institute, who were engaging in a spiritual retreat at that centre run by the Jesuits in the Rwandan capital, were also killed. The same fate was suffered by five Rwandan diocesan priests: Straton Gakwaya, Jean-Marie Vianney Niyirema, Alfred Nzabakuran (all three from Gikongoro), Boniface Kanyoni (a priest from the diocese of Butare) and Juvenal Rutumbu (Ruhengeri), the Deputy Rector of the Main Seminary at Nyakibanda.

(d) In the archdiocese of Kigali, Abbé Ananie Rugarira, a relative of the archbishop, and novice members of the Pallottine Sisters of Masaka and Benebikira, were murdered at Kabuga (Masaka);

(e) In the diocese of Byumba, the Catalan Father Joaquim Vallmajo, a Spanish national, was killed by soldiers at Kageyo. Joseph Hitimana, Fidele Mulinda, Faustin Mulindwa, Alexis Havugimana, Athanase Nkumdabanyanga, Christian Nkiliyehe, Ladislas Muhayemungu and Gaspard Mudashimwa were also murdered in other circumstances;

(f) In the diocese of Nyundo, the clergy was decimated. At Nyundo, 25 teachers at the Small Seminary, mainly consisting of members of the Rwandan clergy, and a Joséphite Father were killed on 7 and 8 April. The Rwandan Abbés Augustin Ntagara, Adrien Naznana and Deo Twagirayezu were murdered on 8 April. Three abbés in the parish of Rambura, Spiridion Kageyo, Antoine Niyitegeka and Antoine Habiyambere, were also killed. Other priests from the diocese of Nyundo also lost their lives at unidentified locations, namely, Innocent Ruberiseza and Narcisse Sebasare (from Birambo), Louis Gasore and François Twigenza (from Muhororo), Théophile Rutagengwa (from Muramba), Callixte Kalisa, Herman Mwambari, Augustin Nkezabera, Alois Nzaramba, Silas Gasake, Clément Kanyabusozo, Robert Matajyabo, Ferdinand Kerekezi, Edouard Gakwandi, Vénuste Nsengiyumva, Thaddée Gatore, Matthias Gahinda, Deogratias Rwivanga, Boniface Senyenzi and Albert Gashema;

(g) In the diocese of Butare, numerous priests were murdered during the first month of the disturbances. At Nyinawimana, Abbés Augustin Mashyendeli and Célestin Muhayimana were killed. At Gisagara, Abbé Tharcisse Rubingiza, a teacher of exegesis at the Main Seminary at Nyakibanda, was murdered. At Nyanza, Abbés Matthieu Ngirumpatse, Jean-Bosco Yilirwahandi, Innocent Nyangezi and Callixte Uwitonze, from the diocese of Gikongoro, also lost their lives. Abbé Segond Ntibaziga, from Gakoma, and two novices from the Benedictine Abbey at Gihindamuayga (Fathers Gaëtan and Antoine) died at an unidentified location. In the town of Butare, six priests were imprisoned for unknown reasons. Three of them were killed during their transfer to Gikongoro prison and the three others were released on Sunday, 31 May. While passing behind the prison and the match factory in order to avoid the check-points, Justin Furaha, parish priest of Save, Pierre Ngoga, parish priest of Kibeho, and Firmin Butera, parish priest of Higiro, were killed by unidentified persons. Abbé Callixte Nkeshumpatse was murdered at Bugesera;

(h) In the diocese of Gikongoro, Father Joseph Niyomuga and the Abbés Irenee Nyamwasa (from Mbuga), Aloys Musoni (from Cyanika) and Pierre Canisius Milinzi (from Mushubi) were killed;

(i) In the parish of Marumba, three local priests were murdered on 7 April;

(j) At Gisenyi, Augustin Ntagara was murdered. In the parish of Marumba, the village in which the late President Habyarimana was born, near Gisenyi, three local priests were killed on 7 April;

(k) In the diocese of Kibungo, in the church at Rukoma, Abbé Evode Mwanangu and a large number of Christians were killed, at the beginning of the disturbances, while they were praying. Other abbés were also said to have died, namely, Justin Ruterandongozi, Michel Nsengiyum, Jean Bosco Munyaneza, Joseph Gatare and Elisée Mpongano;

(l) In the parish of Mushubi, Antoine Rugambarara, from the Main Seminary, was murdered together with other Christians;

(m) In the diocese of Cyangugu, the parish priest at Mibirizi was killed in mid-May, together with Abbé Joseph Boneza;

(n) At Gisagara, Abbé Jean-Marie Vianney Rwanyabuto was said to have been killed;

(o) At Kabgay, on 3 June 1994, Mgr. Thadolé Nsengiyumva, Archbishop of Kigali; Mgr. Vincent Nsengiyumva, Bishop of Kabagazi and President of the Episcopal Conference; Mgr. Joseph Rugindana, Bishop of Byamba, and 10 priests (of whom 8 have been identified as Mgr. Jean-Marie Vianney Rwabilinda, Vicar-General; Mgr. Innocent Gasabwaya, former Vicar-General; Abbé Sylvestre Ndaberetse, Diocesan Bursar; Abbé Bernard Ntamugabumwe, prefectoral representative of Catholic teaching at Gitarama; Abbé Emmanuel Uwimana, Rector of the Small Seminary; Abbé François Muligo, priest at the Cathedral; Abbé Alfred Kayibanda, vicar at the Cathedral; and Abbé Fid Le Gahonzire, almoner at Kabgayi Hospital) were killed."

The Special Rapporteur has also received information concerning massacres committed in places of worship:

"(a) At Nyarubeye, thousands of Rwandans were massacred on 14 April on the premises of the local Catholic church, in the chapel, in the prayer halls and in a convent;

(b) At Rukara, in the Catholic parish of Karumbamba, about 2,000 persons who had taken refuge there were bludgeoned to death and hacked to pieces. Eighty corpses were found in the church. The same scene was repeated in three other churches in the region;

(c) At Musha, about 1,200 persons were massacred in a church on 13 April. Armed men broke down the door, opened fire with semi-automatic weapons and grenades and attacked the survivors with knives, clubs and spears;

(d) In the diocese of Butare, 170 persons who had taken refuge in the church at Ngoma were killed;

(e) At Kigali, the Church of the Holy Family was subjected to bombardments and mortar attacks after 8,000 persons had taken refuge there. Two persons were killed and eight others wounded by a mortar shell. A previous attack had already left 12 dead. Seven members of the Missionary Sisters of Africa were killed and other Dominicans also met the same fate. At Nyamirambo, soldiers stormed the church, forced its congregation to leave and then opened fire, killing a large number of persons both inside and outside. At Gikondo, in front of the church ministered to by the Pallottine Fathers, a massacre occurred on 7 or 8 April: 61 persons were killed and 13 seriously wounded."

Sudan

In a communication dated 20 October 1994, the Special Rapporteur sent the following observations to the Government of the Sudan:

"According to the information received by the Special Rapporteur, the right to freedom of religion continues to be seriously violated.

It is reported that, in the north of the country, various forms of religious intolerance are practised against the orthodox Copt minority (150,000 to 200,000 persons), including the closure of churches, mass dismissals from official posts and judicial institutions, discrimination in access to nationality and education, the army and the media and compulsory Islamic dress of Copt women.

In the south of the country, the Government is said to be pursuing a repressive policy against Christians through such actions as killings, torture, prohibition against churches and Christian institutions owning land, expulsion of Christian missionaries, arbitrary distribution of foodstuffs and enforced conversion to Islam in exchange for food, imposition of Islamic law and compulsory requirement for women to dress in conformity with Islamic morality. It is reported that, on 26 December 1993, the Government air force bombarded Chu Kudum, targeting the Catholic Church.

In the Nuba Mountains, inhabited mainly by Christians, it is stated that, in addition to the enforced displacement of tens of thousands of civilians whose villages are said to have been deliberately destroyed by Government forces, the Christian elite has been systematically eliminated. Two Christians from the village of Nafia, Mr. Yohana Ahmad Yoused and Mr. Abdulgarder Elgewser, described as having converted to Catholicism in 1970, have reportedly been detained and tortured. Threatened with execution if they did not renounce Christianity, they are reported to have been forced to recite the "Shahada", thereby automatically becoming Muslim according to Islamic beliefs. These two persons are said to have been released following their forced conversion. Moreover, it is claimed that article 126 of the new Penal Code adopted in 1991 provides for the death penalty for apostasy.

The Special Rapporteur has also been informed of the case: Father Ismaël Gabriel, arrested for the first time in 1992 and released after one and a half months in detention, who is reported to have been imprisoned again on the grounds of allegedly supporting the Sudanese People's Liberation Army.

The Sudanese Government is also said to be Islamizing education. The 1992 the General Education Regulation Act is alleged to establish the supremacy of Islamic culture and to stipulate that Islamic instruction and the use of the Arabic language are compulsory at all levels of education. Further, the Minister of Education is reported to have announced on television that all schools and their students are required to conform to the Islamic way of life. He is also said to have announced Parliament's confirmation of government regulations instructing students to comply with the Islamic code of dress. Catholic missionary schools are reported to have been forced to close in 1992 and 1993 because of their refusal to abide by this code.

This Islamization of education is further reported to have led to the dismissal of university teaching staff and to the arrest, detention and torture of members of the academic community. It is claimed that the University of Khartoum is under a permanent state of siege, that the university press is censored and that all written material not in conformity with Islam is destroyed.

The media are also reported to be subject to a policy of Islamization. Since March 1992, the weekly Christian radio programme is said to have been suspended without explanation. In May 1992, the editor-in-chief of Radio Juba is said to have been detained for 10 days for having announced the beatification of the Sudanese Sister Bakhita. Publication of a column written by a Copt priest in the Sunday edition of Soudan Moderne is said to have been suspended."

Sri Lanka

In a communication dated 5 September 1994, the Special Rapporteur sent the following observations to the Government of Sri Lanka:

"According to the information received, the Liberation Tigers of Tamil Eelam (LTTE) have expelled all the Muslims from the areas in the north of the country under their control. They are also reported to have expropriated all the property of the Muslims and to have threatened them with death if they try to return.

LTTE is also said to have severely restricted the freedom of movement of Tamils living in the areas under their control, to have demanded that any person wishing to travel outside those areas pay an 'exit tax' and leave the whole of his or her property in escrow. Furthermore, in order to ensure that such persons return, often only one person per family is authorized to travel.

The Special Rapporteur has also been informed that evangelist Christians are often subjected to manifestations of hostility and sometimes to violence by the local Buddhist clergy and groups opposed to activities involving the conversion of Buddhists to the Christian religion. Some newspapers are also said to have reported such attacks.

The following cases have been brought to the attention of the Special Rapporteur and are summarized as follows:

(a) In 1994, an independent evangelist from a village near Colombo is reported to have had stones thrown at his house on several occasions. During an inquiry, a Buddhist monk complained of local people being converted to Christianity and threatened that he would prevent them from being buried in their village if they continued to attend Christian meetings. The monk allegedly also incited villagers to expel the evangelist from the village;

(b) In 1994 in a village near Kandy, Buddhist monks are reported to have organized a procession to protest against the presence of a place of worship, an established evangelist church. Furthermore, the leaders of an evangelist prayer meeting are reported to have been insulted and threatened by a group of 5 monks and some 20 faithful."

On 25 November 1994, the Government of Sri Lanka transmitted the following information to the Special Rapporteur in reply to the above allegation:

"The summary of information, broadly refers to the following allegations:

(i) Forced expulsion of Muslims from areas in the Northern Province of Sri Lanka and the expropriation of their property by the Liberation Tigers of Tamil Eelam (LTTE);

(ii) Restriction imposed by LTTE on the free movement of Tamils from areas under its control to other areas in the country;

(iii) Acts of hostility committed by sections of Buddhist groups on evangelist Christians.

At the outset, it may be noted that, of the three allegations mentioned above, (i) and (ii) refer to the activities of LTTE, a separatist militant group seeking to establish a mono-ethnic separate State for the Tamils in the Northern and the Eastern Provinces of Sri Lanka, and (iii) refers to incidents involving some sections of the Sri Lankan community belonging to one faith against persons of a different faith.

From the foregoing, it will be clear that the Government of Sri Lanka was not involved directly or indirectly in the incidents set out in the allegations; nor did the Government acquiesce in, or condone, in any manner, any of these incidents. This is in consonance with article 14 (1) (f) of the Constitution of Sri Lanka, which states that every citizen is entitled to 'the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice, and teaching'.

The highest respect with which this constitutional right has been treated by the Government of Sri Lanka can be evidenced by the fact that, of the many cases alleging human rights violations filed in the Supreme Court of Sri Lanka since the entry into force of the Constitution in 1978, no case has so far alleged infringement or abridgement of the freedom of religion. Indeed, the freedom of religion remains a non-derogable right in the Constitution.

In view of the importance attached to the freedom of religion in Sri Lanka, the Government studied the incidents set out in allegation (iii) seriously. The position with regard to each of the incidents is as follows:

(a) The incident that occurred in Kiribathgoda within the Peliyagoda police area: in this instance, neither the victim nor any persons could point out the suspects. Though the Buddhist monk of the area has been suspected of promoting hostility, no direct evidence has been adduced against him.

(b) The incident that occurred in the Kuliyapitiya police area: though the temporary buildings put up by the 'Assembly of God' had been set on fire on 4 September 1994, the identity of those responsible could not be established either by the victims or by any persons.

(c) The incident that occurred in the Bulathsinhala police area: in this instance, unknown persons caused damage to the projector (valued at Rs 10,000) used to screen the film 'The Life of Jesus Christ'.

(d) The incident that occurred in the Kandy police area: there was no complaint made to the police concerning a procession conducted by Buddhist monks to protest against the presence of an evangelist church in Kandy; nor has the police received any information to the effect that the leaders of an evangelist church were insulted by Buddhist monks.

As regards allegation (i), the Government of Sri Lanka, based on the information available to it, confirms that Muslims in the areas of the Northern Province, namely, the districts of Jaffna, Mannar and Kilinochchi, have been forcibly expelled from those areas by LTTE after expropriating their property. These Muslims have been driven, together with thousands of Sinhalese, from the areas of their habitation in the Northern Province in a manner which is suggestive of a policy of ethnic cleansing practised by LTTE.

In regard to allegation (ii), it is correct that LTTE has imposed restrictions on the free movement of people from areas under its control, to the mainland of Sri Lanka. The following are some of the practices adopted by LTTE with regard to the movement of persons:

(a) A bond must be signed by a surety if a person wishes to leave the Jaffna peninsula.

(b) At least one inmate of the house should always remain at home.

(c) The house and property should be handed over to LTTE if all inmates seek to leave the area.

(d) A penalty of Rs 100,000 should be paid to the LTTE in respect of each person in the family, if the entire family seeks to leave the peninsula for good. In addition, the house and property belonging to the family will also be confiscated.

A levy of Rs 100 is reported to be charged by LTTE to issue a normal pass to a person leaving the Jaffna peninsula for a short period. Rs 500 is levied for an emergency pass.

Media reports and statements of several non-governmental organizations testify to the veracity of these allegations.

With a view to giving a broader perspective of LTTE involvement in persistent and gross violations of the human rights of the different religious and ethnic groups in Sri Lanka, the Government is pleased to annex hereto a copy of letter No. UN/HRTS/1/23 Vol. XVI of 9 August 1994, sent by the Permanent Representative of Sri Lanka to the Centre for Human Rights in pursuance of Commission resolution 1994/46 and General Assembly resolution 48/122."

9 August 1994

"Sir,

I am writing to you in connection with Commission on Human Rights resolution 1994/46 and General Assembly resolution 48/122, both entitled 'Human rights and terrorism'. The information given below is further to my letter UN/HRTS/1/23 Vol. X dated 28 October on the same subject.

2. With a view to facilitating your task in compiling the information requested in paragraph 3 of the Commission resolution 1994/46, I wish to bring to your attention the consequences in Sri Lanka of the activities of the Liberation Tigers of Tamil Eelam (LTTE). You may wish to make this information available to the Special Rapporteur and the Working Groups concerned, for their consideration.

3. The terrorist activities of LTTE, in their violent campaign to establish a mono-ethnic racist one party State in the north and the east of Sri Lanka, have been an obstacle to the enjoyment of all human rights

(whether civil and political or economic, social and cultural) of the Muslim, Tamil and Sinhalese people in all parts of the country. Considering the fact that the terrorist activity of LTTE has expanded and its potential extended beyond the territory of Sri Lanka, other countries have declared LTTE a terrorist organization. [1]

4. With regard to civil and political rights, LTTE has systematically tried to prevent the holding of elections in the Northern and the Eastern Provinces of Sri Lanka. In March 1994, despite LTTE threats of violence, the Government successfully held local government elections in the Eastern Province and in the Vavuniya district of the Northern Province so that voters could exercise their most cherished right.

4.1 The general elections to Parliament are scheduled to be held shortly, and once again LTTE is obstructing all efforts to enable the people of the north to cast their votes. Uncertain of their success in such a democratic process, LTTE has sought to impose its own rule by the use of force and by the elimination of democratic political opposition.

4.2 LTTE has consistently denied the people of the Northern Province their right to free expression, their right to participation in free and fair elections and the right to vote and to participation in the government of the country.

5. LTTE has similarly deprived the people of Sri Lanka of several other rights enshrined in the International Covenant on Civil and Political Rights, including the right to life. The methods used by LTTE to impose their rule have violated the peoples' right to freedom from arbitrary arrest and detention and the right to equal protection of the law. The rights of children and freedom from compulsory labour are violated by LTTE's forced conscription of children into their 'training camps' and 'armies'. These facts are well-documented both locally and internationally. This practice, as well as that of forced contributions and extortions from the population totally violate the call for prohibition on unlawful interference in an individual's privacy and family.

6. Regardless of international human rights standards calling for the prohibition of advocating national racial or religious hatred, the thrust of LTTE propaganda is based on the advocacy of war and violence on these discriminatory grounds. This is best established in their practice of 'ethnic cleansing' for forcibly evicting Muslims and Sinhalese living in the Northern and Eastern Provinces of Sri Lanka. This practice has resulted in tens of thousands of displaced persons in the country. Similarly, the intolerance of LTTE based on religious grounds is proven in their gruesome attacks on two mosques in Kattankudi in the Eastern Province on 3 August 1990, in which 103 Muslims were killed in prayer. In 1985 one of the most revered and historical Buddhist sites in Sri Lanka was attacked in Anuradhapura, and 120 monks and worshippers were killed in the incident.

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[1] India and the United States.

7. The individual and collective enjoyment of economic, social and cultural rights in Sri Lanka have also been severely affected. The large-scale destruction of public works infrastructure and the administrative mechanism in the north and the east have led to reconstruction costs which continue to be a substantial drain on the Government's budget. Scarce financial and other resources of the Government are diverted from productive purposes towards defence, reconstruction and welfare.

8. Similarly, the people's right to work, to food, clothing and housing, to health and education and even the right to freedom from hunger are jeopardized by LTTE's disruptive activities. The Government has not only to send a continuous supply of humanitarian provisions to the north and the east in order to ensure the well-being of the people of these areas, but has also to enlist the support of local and international NGOs, the International Committee of the Red Cross and relevant United Nations organizations to protect these supplies from LTTE sabotage. The cost of humanitarian provisions to the north and the east amounts to US$ 5 million per month.

9. The acts of violence of LTTE have been perpetrated not only in Sri Lanka, but overseas as well, with similar repercussions on peoples' rights and freedoms. Armed attacks and assassinations have been carried out in southern India, the most recent being the tragic assassination of the former Prime Minister of India, Mr. Rajiv Gandhi. Threats of reprisals on family and relatives in Sri Lanka have been a preferred means of LTTE to extort cash and 'contributions' from Sri Lankans resident overseas.

10. The LTTE link with drug trafficking is well-documented. Members of LTTE have been apprehended in all parts of the world (particularly in Western European countries, as well as in the United States and Canada) for the possession of drugs in the course of the last 10 years. The money collected in this process is used for the purchase of illicit arms and explosives, thereby posing a grave threat to the security of the society and the peaceable enjoyment of the fundamental human rights.

11. The activities of LTTE in Sri Lanka have therefore severely affected and restricted the enjoyment of the civil and political rights, as well as of the economic, social and cultural rights of all Sri Lankans, whether of Muslim, Tamil or Sinhalese origin. Faced with these constraints, the efforts of the Government of Sri Lanka have been to ensure its obligations relating to the promotion and protection of human rights of all its citizens. However, as recognized in Commission on Human Rights resolution 1994/42, the individual too has 'duties to other individuals and to the community to which he or she belongs' and 'is under responsibility to strive for the promotion and observance of the rights recognized in the International Covenants on Human Rights'.

12. I would be grateful to you, Sir, for transmitting the contents of this letter to the relevant persons in conformity with paragraph 4 of

resolution 1994/46, as well as for distributing it as an official document of the fifty-first session of the Commission on Human Rights to all member and non-member States, and to observers.

13. I am annexing some relevant statistics on civilian casualties, politicians killed and bomb explosions as a result of LTTE terrorism."

"VIOLATIONS OF HUMAN RIGHTS PERPETRATED BY THE LTTE TERRORIST GROUP

The Liberation Tigers of Tamil Eelam (LTTE) have violated the right to life, killing civilians of all religious and ethnic groups and targeting men, women and even children in their terrorist attacks carried out in Sri Lanka and abroad. Annexes (a), (b) and (c) give specific details of the massacres of civilians, of politicians killed and bomb explosions carried out by LTTE.

The LTTE massacre of 62 Sinhalese settlers at the Dollar and Kent Farms in Vavuniya on 30 November 1984 was followed by the massacre of villagers engaged in fishing at Kokilai and Nayaru on 1 December.

In May 1985, LTTE gunned down 120 Buddhist pilgrims worshipping at the Scared Bo Tree in Anuradhapura (a sapling of the tree in Buddhagaya under which the Buddha attained enlightenment) and injuring about 85 others engaged in worship at one of the most scared religious sites in the country. In 1987 LTTE massacred 30 Buddhist priests and 4 civilians travelling in a bus for a religious ordination ceremony; another 15 Buddhist priests were injured in this attack.

Not only Buddhist but Muslim places of worship have also been desecrated. In 1990 LTTE terrorists opened fire on Muslims praying in two mosques at Kattankudy, killing 103 and wounding 70.

Almost all of these attacks were carried out with a premeditated and cynical brutality hitherto unknown in Sri Lanka. Women and children were not spared. In the attack at Mahadivulwewa on 27 May 1986, of the 20 Sinhalese killed 10 were children, the youngest a 14-month-old boy. Brutal methods and horrifying mutilations were inflicted in order to drive terror into the people. LTTE exploded a bomb killing 110 civilians and injuring 298 others at the Pettah central bus stand in 1984, at the height of the rush hour. In November the same year, LTTE set off a car-bomb killing 23 civilians and injuring 106 outside the Maradana central railway station, at the peak traffic hour.

LTTE is also well known for its internecine warfare and attacks on all other Tamil political groups, to annihilate opposition. It has systematically eliminated key Tamil political leaders, beginning with Major Alfred Duraiappa in 1975, and others such as A. Amirthalingam, a former leader of the opposition, and V. Yogeswaran of the TULF 2/ and Sam Thambimuttu EPRLF, 2/ Member of Parliament. These acts have been

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2/ Tamil political parties.

carried out with the clear objective of eliminating the moderate Tamil political leadership committed to a democratic political system.

The LTTE involvement in the assassination of elected leaders of Sri Lanka such as President Ranasinghe Premadasa and former Cabinet Minister Lalith Athulathmudali, during the provincial councils election campaign of 1993, have transpired in the investigations. In 1991, LTTE set off a car bomb, assassinating Gen. Ranjan Wijeratne, State Minister for Defence.

Thus the LTTE campaign of terror has been launched with the principle objective of the systematic elimination of the democratic political leadership both in the south and the north of the country.

LTTE has the capacity to carry out its attacks even abroad. In 1984, in India, LTTE exploded a bomb at Meenambakkam airport in Madras, killing 30 persons. In 1990, LTTE assassinated K. Pathmanaba and other EPRLF leaders in Madras. In 1991, a LTTE suicide bomber killed Rajiv Gandhi, former Prime Minister of India, during the Indian election campaign. Earlier this year, LTTE killed a Tamil organizer, S. Sabalingam in Paris, apparently for daring to expose LTTE intolerance and hate-tactics.

Innumerable attempts have been made by LTTE to strike terror in the heart of the capital city, Colombo, and to halt friendly external support. A bomb was planted in an Air Lankan plane in 1986, resulting in 16 dead and 39 injured. Bombs have also been placed in hotels, resulting in many deaths and injuries.

Planting of bombs in crowded buses and trains, laying land-mines on busy roads, abducting and killing villagers and settlers in remote areas, burning and looting of houses and other property, killing farmers in the fields and fishermen at sea are all routine LTTE operations.

Arrests of LTTE couriers and agents and court convictions have revealed that the organization's tentacles are spread wide overseas, based on narcotic drugs and arms smuggling and the victimization of Tamil expatriates by extortion."

"MASSACRE OF CIVILIANS BY LTTE
(From 23.07.83 to 22.04.94)

Date	Place	Incident
30.11.84	Dollar Farm Vavuniya	Armed terrorists shot dead 33 Sinhalese settlers and injured several others.
30.11.84	Kent Farm Vavuniya	Armed terrorists shot dead 29 Sinhalese settlers.
01.12.84	Kokilai/Nayaru Vavuniya	Armed terrorists shot dead 11 Sinhalese settlers.

Date	Place	Incident
14.05.85	Anuradhapura	Armed terrorists invaded town and shot dead 120 Sinhalese and injured 85 others. This included pilgrims who were inside the sacred Sri Maha Bodhi premises.
14.05.85	Vilpattu Anuradhapura	Armed terrorists shot dead 18 Sinhalese in the forest reserve.
11.06.85	Dehiwatta Mutur	13 Sinhalese settlers shot dead by armed terrorists.
02.08.85	Thrikonamadu Polonnaruwa	Armed terrorists shot dead three Sinhalese Buddhist monks and three civilians at Ruhunu Somavathiya Temple.
14.08.85	Awarantalawa Vavuniya	Armed terrorists shot dead 7 Sinhalese and set fire to 40 houses.
18.08.85	Namalwatta Trincomalee	Armed terrorists shot dead six Sinhalese villagers.
07.11.85	Namalwatta Morawewa, Tco.	Armed terrorists shot dead 10 Sinhalese villagers.
20.12.85	Mannar	Six Madhu pilgrims, abducted by terrorists on 12.12.85, were executed.
19.02.86	Sittaru Kantalai, Trincomalee	When refugees from Serunuwara, Dehiwatta were being escorted by army personnel along Ella/Kantalai road, a mine was exploded: 35 civilians and 4 army personnel were killed.
03.05.86	Madras India	Air Lanka Tri-star explosion - 16 killed (13 foreigners - of whom 2 British, 2 German, 3 French, 2 Japanese, 1 Maldivian and 1 Pakistani - and 3 Sri Lankans), 39 injured.
25.05.86	Mahadivulwewa	Armed terrorists shot dead 20 Sinhalese and set fire to 20 houses.
04.06.86	Andankulam Trincomalee	Armed terrorists shot dead 20 Sinhalese villagers including Ven. Bakamune Subaddalanakara Thero.

Date	Place	Incident
11.06.86	Trincomalee	Two bombs exploded almost simultaneously in two buses in front of the Bank of Ceylon and in close proximity to the SP office along Inner Harbour Road. They were on their way to Kantalai and Colombo respectively: 22 people were killed in the explosions; 75 others were injured.
25.06.86	Sittaru Kantalai	Bomb exploded in a vehicle by terrorists killed 16 Sinhalese.
08.07.86	Monkey Bridge, Vavuniya	Armed terrorists shot dead 15 Sinhalese villagers.
13.07.86	Pavakkulam Vavuniya	Four armed terrorists who had come in a jeep to tract No. 16, Pavakkulam, killed 11 civilians (2 Sinhalese and 9 Tamils).
17.07.86	Sugar Corp., Kantalai	Armed terrorists entered block No. 4, Sugar Corp., Kantalai and 10 persons were shot to death. (Seven Sinhalese, two Muslims and one Tamil.)
19.07.86	Vadigawewa Medirigiriya Polonnaruwa	Armed terrorists shot dead 12 Sinhalese villagers.
22.07.86	Mammaduwa Vavuniya	Terrorists exploded a land-mine on a civilian bus, killing 32 Sinhalese and injuring 20 others.
24.07.86	Issenbessagala	A bomb exploded inside a bus proceeding from Vavuniya to Anuradhapura; killing 13 passengers and injuring 40 others.
24.07.86	Mahanagapura Ampara	About 50 armed terrorists entered Damana, a Sinhalese village, and killed 9 persons; another 13 were injured.
07.2.87	Arantalawa Ampara	Armed terrorists killed 28 villagers by slashing their necks.
07.3.87	Awarantalawa, Vavuniya	Terrorists exploded a land-mine where troops were proceeding, killing seven soldiers, four NAF soldiers and six civilians.
22.03.87	Serunuwara Horowpathana	Armed terrorists shot dead 26 Sinhalese villagers.

Date	Place	Incident
17.04.87	Habarana, Trincomalee	Armed terrorists shot dead 127 Sinhalese, including 31 police and security force personnel who were travelling in buses to Trincomalee.
21.04.87	Jayanthipura Trincomalee	Armed terrorists shot dead 15 Sinhalese villagers.
21.04.87	Central Bus Stand, Pettah	Terrorists exploded a bomb, killing 110 civilians, 2 policemen and a soldier; 298 others were injured.
29.05.87	Kadawathmadu, Polonnaruwa	Armed terrorists shot dead seven Sinhalese villagers.
02.06.87	Arantalawa Ampara	Armed terrorists shot dead 30 Buddhist monks and 4 Sinhalese civilians and injured 15 Buddhist monks.
11.06.87	Veppankulam Trincomalee	Private van No. 38 Sri 496 proceeding from Horowpathana to Trincomalee was blasted by a pressure mine, killing one soldier and 13 civilians.
12.06.87	Godapotta, Medirigiriya Polonnaruwa	About 175 villagers had gathered to discuss a new temple. Terrorists surrounded the temple and attacked them, killing eight villagers and a soldier. Six persons were injured.
06.10.87	Batticaloa	Armed terrorists shot dead 18 Sinhalese.
06.10.87	Sagarapura, Kuchchuveli Trincomalee	Armed terrorists shot dead 27 Sinhalese villagers.
06.10.87	Thalawai Eravur	Armed terrorists shot dead 25 Sinhalese settlers.
06.10.87	Valaichchenai Batticaloa	The night-mail train from Batticaloa was stopped by terrorists and 40 Sinhalese passengers were killed.
07.10.87	Pottuvil Monargala Road	Armed terrorists shot dead 25 Sinhalese passengers, who were travelling by bus. They also killed five motor-cyclists who came along the same route.
10.10.87	Gantalawa Kantalai	Armed terrorists shot dead 10 Sinhalese villagers.
15.10.47	Ella, Kantalai Road, T'malee	Armed terrorists shot dead 14 Sinhalese passengers travelling on two lorries.

Date	Place	Incident
16.10.87	Pulimodai Trincomalee	Armed terrorists stopped a private bus, took out Sinhalese persons and killed 11 of them including 3 policemen.
19.10.87	Kalkudah Batticaloa	Private bus 23 - 1182 transporting Tamil passengers got caught on a land-mine, killing 40 persons and an IPKF soldier
09.11.87	Maradana Colombo	Terrorists exploded a bomb in a vehicle: 23 civilians killed, 106 injured, 15 shot dead by terrorists.
11.11.87	Kalkuda, Batticaloa	Seven Sinhalese persons selling fish were shot dead by terrorists.
12.11.87	Cheddikulam, Vavuniya	A van transporting passengers was blasted by a land-mine explosion, killing 12 Tamil persons and 13 PLOTE members.
15.12.87	Devalagodella, Polonnaruwa	Terrorists attacked Devalagodella and Somavathiya village, killing nine villagers.
22.12.87	Morawewa, Trincomalee	Terrorists abducted five Sinhalese and a Tamil, who were fishing in Morawewa Tank and subsequently killed them.
31.12.87	Mahadivulwewa Trincomalee	Armed terrorists shot dead 10 villagers and burnt 15 houses.
02.03.88	Morawewa, Trincomalee	Armed terrorists shot dead 14 Sinhalese villagers.
05.03.88	Sittaru Kantalai	Terrorists exploded a land-mine on a civilian lorry, killing 8 Sinhalese and 16 Muslims.
11.03.88	Suhadagama Horowpathana Anuradhapura	A group of armed terrorists attacked a private bus, 22 Sri 2218, at Suhadagamaw with small arms and grenades, killing 19 passengers and injuring 9 others.
14.03.88	Galmitiyawa, Kantalai	Armed terrorists shot dead 13 Sinhalese villagers at Galmitiyawa.
15.03.88	Kivulkade, Morawewa, Trincomalee	Two groups of terrorists entered the village and killed seven Sinhalese villagers.
17.03.88	Deegavapiya, Damana, Ampara	Terrorists hacked to death 13 Sinhalese villagers.

Date	Place	Incident
22.03.88	Pudukulam, Vavuniya	Between 10 and 15 armed terrorists attacked the Sinhalese village and killed 6 villagers. Another three were injured.
22.03.88	Medavachchi-kulam Vavuniya	Armed terrorists shot dead nine Sinhalese villagers.
29.03.88	Wewalketiya	A bomb exploded inside CTB bus 29 Sri 9037 Anuradhapura which was proceeding from Horowpathana to Medavachchiya, killing 9 passengers and injuring 14 others.
31.03.88	Saindamaradu, Kalmunai	Terrorists attacked the village, killing 10 Muslims and 7 Tamils.
08.04.88	Horowpathana Meegaswewa Anuradhapura	Armed terrorists killed 14 Sinhalese.
01.05.88	Sittaru Kantalai, Trincomalee	Terrorists exploded a land-mine on a CTB bus killing 12 Sinhalese, 9 Muslims and 5 others, who were not identified.
28.07.88	Ethawetunawewa, Weli Oya	Armed terrorists hacked to death 16 Sinhalese villagers.
16.08.88	Trincomalee (opposite Clock Tower)	Terrorists exploded a bomb, killing 6 Sinhalese, 2 Muslims, 1 Tamil and a soldier; 19 persons sustained injuries.
25.08.88	Marawila, Polonnaruwa	Terrorists killed 11 civilians by cutting their necks.
10.09.88	16th Colony, Central Camp Ampara	Armed terrorists shot dead seven Sinhalese and four Tamils.
09.10.88	Mahakongaskada Medavachchiya	Armed terrorists shot dead 44 Sinhalese villagers and set fire to 11 houses.
14.11.88	Paniketiyawa, Gomarakadawela Trincomalee	Armed terrorists shot dead 28 Sinhalese, including two security force personnel.
02.02.89	Bogamuyaya, Maha Oya, Ampara	Armed terrorists hacked to death 11 Sinhalese villagers.
11.02.89	Dutuwewa, Horowpathana	Armed terrorists shot dead 34 Sinhalese villagers.

Date	Place	Incident
22.02.89	Tract No. 13, Sinhapura, Weli Oya	Terrorists attacked Tract No. 13 and six Sinhalese were killed and another seven were injured.
27.02.89	Borawewa, Polonnaruwa	Armed terrorists shot dead 37 Sinhalese villagers.
17.08.89	Nochchikulam, Vavuniya	An IED explosion, killing eight civilians and injuring four others.
23.07.90	Veeracholai, Batticaloa	Terrorists killed eight persons, thought to be Muslims and hanged them on trees.
24.07.90	Damminna, Aralaganvila Polonnaruwa	Armed terrorists hacked to death eight Sinhalese villagers.
25.07.90	Wan Ela, Trincomalee	Terrorists hacked to death nine Sinhalese villagers who were cutting firewood.
26.07.90	Thammannaelawaka Medavachchiya	Armed terrorists hacked and shot to death 19 Sinhalese and set fire to 30 houses.
30.07.90	Akkaraipattu Batticaloa	Terrorists shot dead 14 Muslims in the town.
31.07.90	Podankadu, Peraru, Kantalai	Ten Tamil civilians were killed by unidentified gunmen.
03.08.90	Jumma & Hussainia Kathankudy	Terrorists opened fire on Muslims who were praying in two mosques, killing 103, and injuring 70.
05.08.90	Mulliyankadu, Ampara	Terrorists killed 17 Muslim farmers working in a paddy-field.
06.08.90	Ampara	Terrorists killed 33 Muslim farmers working in a paddy-field.
07.08.90	Bandaraduwa, Uhana, Ampara	About 40 armed terrorists went to a Sinhalese village and killed 30 Sinhalese and injured 4.
08.08.90	Meegaswewa Anuradhapura	Private coach 20-228 proceeding from Morawewa to Horowpathana with a load of passengers was attacked by terrorists. They killed 26 Sinhalese, including a soldier, and 7 others were injured.
08.08.90	Navagamuwa, Anuradhapura	Terrorists attacked a Sinhalese village and killed seven civilians; four persons were injured.

Date	Place	Incident
11.08.90	Division 3 & 6 Eravur	Terrorists attacked Div. 3 & 6, Eravur, killing 116 Muslims and injuring 20 others.
13.08.90	15th Mile Post Pulmoddai Weli Oya	Twenty-five civilians who were travelling in a lorry from Negombo at Kokuvil were ambushed by terrorists, who killed 14 of them.
13.08.90	Gangi village, Muttur, Trincomalee	Six Muslim fishermen were killed by terrorists.
13.08.90	Awarantalawa Vavuniya	A Muslim village adjoining a Sinhalese village was attacked by terrorists; nine Muslims and one Sinhalese were killed. Three others were injured.
13.09.90	Poonani, Batticaloa	Terrorists hacked to death seven Muslim civilians and injured one.
19.09.90	Vellamundal, Puttalam	Terrorists killed 23 Sinhalese and set fire to 11 houses at the fishing village.
21.09.90	Pudukudiyirippu Ampara	Terrorists attacked the village killing 15 Muslims and injuring 11.
30.09.90	Peraweltalawa, Maha Oya, Ampara	Terrorists hacked to death nine Sinhalese villagers.
02.10.90	Vahalkada, Ampara	Armed terrorists shot dead seven Sinhalese and set fire to 39 houses.
11.10.90	Arugambay, Ampara	Two terrorists shot dead nine Muslims who were collecting firewood.
23.10.90	Thanthirimalai Anuradhapura	Armed terrorists killed eight Sinhalese and two home guards.
01.11.90	Halambawewa, Sinhapura, Weli Oya	Terrorists attacked the village and killed 10 Sinhalese.
23.01.91	Bogamuyaya Maha Oya, Ampara	Armed terrorists hacked to death 25 Sinhalese villagers and injured 9 others, of whom 4 subsequently succumbed to their injuries.
24.03.91	Bogamuyaya Akkaraipattu	Bomb explosion at Fish Market Akkaraipattu, killing 9 Muslims and injuring 32 others.

Date	Place	Incident
31.03.91	Irudayapuram Batticaloa	Terrorists shot dead eight civilians at the market in the night.
03.04.91	Keviliya Foul Point Trincomalee	Terrorists in two boats surrounded six vallums and opened fire at the fishermen. Some fishermen jumped into the sea and swan. Four vallums were set on fire, 10 dead bodies and 11 injured were found. Sixteen were missing. The missing persons were either taken away by terrorists or drowned after being shot.
14.04.91	Ethimalai, Monaragala	About 15-20 terrorists hacked to death 17 Sinhalese villagers and injured another. They also set fire to six houses.
20.04.91	Niyadella, Okkampitiya, Moneragala	Terrorists attacked the village and hacked and shot to death 21 men, women and children. Two others were injured. Three houses, a car and a motorcycle were set on fire. When the terrorists were fleeing they killed another villager in the adjacent village.
19.05.91	Erakkamam, Ampara	Terrorists attacked five Muslims and two Sinhalese persons, whilst they were returning from the paddy-field, killing six persons and injuring one.
20.05.91	Malwatta, Sammanthurai Ampara	Terrorists fired on a group of Muslims who were returning from the paddy-field in a tractor; nine Muslims were killed and two injured.
12.06.91	Kokkadicholai Batticaloa	Bomb explosion in Manmunai ferry in Kokkadicholai, killing 4 army personnel and 10 civilians.
24.06.91	Weligahakandiya Batticaloa	Terrorists abducted and killed eight Sinhalese and injured one Tamil.
27.06.91	Lahugala, Ampara	When a private bus 60-9765 was proceeding from Monaragala to Pottuvil with a load of passengers, terrorists exploded two claymore mines and opened fire at the passengers; 16 civilians were killed and 8 wounded.

Date	Place	Incident
06.07.91	Pudur, Jaffna	About 20-30 terrorists carrying arms entered the Pudur Muslim village, forced open the cooperative stores and stole canned fish, batteries, flour, dhall and sugar. Then they cut and killed nine Muslims and moved towards the Mahaweli river bank and cut to death another eight persons, injuring four others. One of the injured succumbed to his injuries. Total killed: 16 Muslims and 2 Sinhalese.
06.07.91	Karapola Manampitiya Polonnaruwa	Nine Sinhala fishermen fishing at Karapola lake and the owner of Vadiya who came there in his Delica van 84-7071 were abducted by terrorists and killed, except for one fisherman, who escaped and informed Manampitiya detachment.
08.08.91	Sammanthurai, Batticaloa	Six Muslims, returning from their paddy-fields were killed by terrorists.
19.09.91	Palliyagodella Polonnaruwa	Terrorists launched an attack on a Muslim village, killing 13 Muslims and injuring 6 others.
24.10.91	Iqbal Nagar, Trincomalee	When a private van was proceeding along Kuchchuveli with some passengers, terrorists who were in ambush, fired at them killing three Tamils and three Muslims.
26.01.92	Between Arantalawa and Borapola Ampara	Private bus plying between Maha Oya and Ampara got caught on a land-mine. The explosion killed 9 civilians and 1 airman and injured 17 civilians and 9 airmen.
10.4.92	Ampara Town	A bomb exploded in private bus 30-7088 causing the death of 25 civilians and injuring 33 civilians. One policeman was also killed and two army personnel were wounded.
10.04.92	Maharagama	A car bomb exploded, causing the death of 8 civilians; 1 policeman and 23 civilians were injured.
29.04.92	Alinchipothana Polonnaruwa	Terrorists attacked the Alinchipothana village, causing the death of 56 Muslims and injuring 15.

Date	Place	Incident
02.06.92	209th Mile Post Ampara	A group of terrorists stopped private bus No. 60-9799 proceeding from Akkaraipattu to Pottuvil and opened fire, killing 14 civilians, 1 policeman, and injuring 2 civilians and 1 policeman.
06.07.92	Parayankaulam Vavuniya	Terrorists publicly shot dead 10 Tamil lorry drivers and a woman, alleging that they had passed information to the security forces.
15.07.92	Kirankulam, Batticaloa	Terrorists attacked a civilian bus proceeding from Kathankudy towards Kalmunai, killing 19 Muslims and injuring 7 Muslims.
21.07.92	Parangiyamadu, Batticaloa	Terrorists stopped the Colombo/Batticaloa train, ordered the passengers to get down and opened fire at the Muslim passengers: seven Muslims were killed and four Muslims were injured. The terrorists also exploded the engine of the train.
30.08.92	Trincomalee Town	A bomb planted in a private bus at the bus-stand exploded, killing 9 civilians and injuring 34 (including 4 soldiers, 2 reserve policemen).
01.09.92	Saindamaradu Kalmunai	A bomb fixed to a push-cycle carrying an ice-cream container, exploded at the market, killing 22 Muslims and injuring 67 others.
10.09.92	Kiliveddi Point Trincomalee	Terrorists blasted a ferry across Allai Tank and killed 22 soldiers and 7 civilians, and injured 1 soldier and 2 civilians.
01.10.92	Konwewa Weli Oya	Whilst attacking the Konwewa detachment, terrorists fired and threw grenades into bunkers of villagers, killing 15 civilians and injuring 9 others.
15.10.92	Palliyagodella Polonnaruwa	About 200-300 armed terrorists attacked the Muslim village and shot and hacked to death 182 civilians (171 of them were Muslims), 12 policemen and 8 soldiers; 83 others were injured.

Date	Place	Incident
26.12.92	Vakaneri South Polonnaruwa	Jeep No. 17-5747, exploded on a land-mine, killing five Muslims and one Tamil.
31.05.93	Nochchiamoddai, Vavuniya	Terrorists attacked Nochchiamoddai road block; 9 civilians, 3 PLOTE members and 1 soldier were killed; 22 civilians, 2 soldiers and 1 PLOTE member were injured; 15 terrorists were also killed.
19.01.94	Rambewa, Anuradhapura	A bomb exploded in a private bus carrying civilians from Sripura to Anuradhapura, causing the death of 10 Sinhalese civilians and injuring 51.
16.03.94	Off Kudiramalai Puttalam	Terrorists attacked about 10 fishing boats, causing the death of 17 fishermen and injuring 3; 5 fishermen were reported missing."

Switzerland

In a communication dated 31 August 1994, the Special Rapporteur sent the following observations to the Government of Switzerland:

> "According to the information supplied, the Swiss Military Penal Code contains provisions making it an offence to refuse to perform military service on the grounds of conscientious objection. Moreover, some conscientious objectors have reportedly been imprisoned.
>
> The following case has been brought to the attention of the Special Rapporteur. Andrea Cadalbert is said to have been sent to prison in April 1993 to serve a three-month sentence for refusing to perform military service. Mr. Cadalbert is alleged to have already undergone initial military training and eight physical training courses, from which he had concluded that military service was incompatible with his conscience."

On 6 October 1994, the Permanent Mission of Switzerland transmitted the following information about the above allegations to the Special Rapporteur:

> "In Switzerland, freedom of conscience and belief is inviolable. No-one may be forced to join a religious association, to attend religious teaching or to perform a religious act or be subjected to penalties of any sort because of his religious beliefs (art. 49 of the Constitution). This guarantee, which enjoins religious neutrality on the State, protects all religious convictions or opinions, even those of very small minorities in Switzerland, like the Mormons, Scientologists, Jehovah's Witnesses or Methodists. Freedom of thought, conscience and belief is

> furthermore guaranteed by article 9 of the European Convention on Human Rights and article 18 of the International Covenant on Civil and Political Rights.
>
> The 26 Swiss cantons and half-cantons are free to define their relationship with churches; they may, in particular, while respecting freedom of conscience and belief, designate one or more 'official churches', and, for example, pay their ministers, subsidize them or allow them to levy taxes. The cantons' practice has been found to comply with the general principle of equality.
>
> The Constitution likewise protects the right to change religion, i.e. to leave a church of which one is a member. While the precedents of the Federal Court permit churches to establish a special procedure enabling one of their members to leave them, this procedure must not constitute an obstacle to the wishes of the person concerned.
>
> In Switzerland, religious belief does exempt a person from fulfilling a civic duty such as military service, as under the Military Penal Code anyone refusing to serve is liable to imprisonment (in general for six months). Nevertheless, since 15 July 1991, article 81 of the Code has been amended to enable anyone who, on the grounds of fundamental ethical values, can reasonably demonstrate that he is unable to reconcile military service with the demands of his conscience, to perform civilian service instead of being imprisoned. This obligation to work for a period of time which is one and a half times longer than the military service which has been refused, but which may not exceed two years, is not included in the person's police record. The figures for 1992 are as follows: 236 (or 55 per cent) of the 433 refusals to perform military service were genuinely motivated by a conflict with fundamental ethical values. One hundred and ninety-seven prison sentences were imposed, 221 persons were obliged to perform civilian service and 15 soldiers were permitted to serve without bearing arms."

In a decision of 20 March 1992, the Military Court of Cassation pointed out that:

> "A decision dictated by conscience is a compelling value judgement which imposes a duty to act or not to act upon the decision-taker. It stems from an extremely personal, profound process, as conscience is the ultimate, decisive authority which impels the person in question to behave in a given manner in specific situations in order to be at peace with himself. A person faced with a situation calling for a decision guided by his conscience does not have a free choice. He must react in the way his conscience dictates. This inner voice dictates behaviour which allows no room for compromise or half measures. Conscientious objection differs from a refusal to serve on the grounds of abstract ethical principles or professions of faith which have been learned. It is special in that in normal circumstances, most decisions are taken in the light of usual standards and scales of values which are not imperative in nature.

Although, when examining a conflict of conscience, no subtle distinctions may be drawn between ethical, religious or political reasons, weight should not be given indiscriminately to a decision dictated by a person's conscience. Only behaviour resting on inner certitude with regard to fundamental ethical values can justify the application of article 81, paragraph 2 of the Military Penal Code. These fundamental ethical values are those with which society has become deeply imbued with the passage of time and which are conducive to the triumph of good over evil and justice over injustice in all circumstances. A decision resting on a rational appraisal reached by the application of criteria which distinguish what is false from what is true in the eyes of the person concerned does not typify the dilemma which makes military service incompatible with the demands of that person's conscience.

Behaviour resulting from adherence to humanitarian principles or a political ideology does not justify the granting of the exemption provided for by law, unless at the same time it is based on deeply held convictions and noble sentiments which are bound up with fundamental ethical values. Invoking a personal philosophy is not therefore sufficient for the conditions required for the application of article 81 of the Military Penal Code to be met. Only high moral precepts, which must be reasonably shown to be of a compelling nature for a person's conscience, justify conscientious objection.

Mr. Cadalbert, to whom the Special Rapporteur expressly refers in his request, was sentenced, on the basis of the above-mentioned principles, to three months' imprisonment for refusal to serve, expelled from the army and ordered to pay the cost of proceedings amounting to SwF 510. As he did not avail himself of the legal remedies open to him, this judgement became final on 22 May 1992. The court considered that the reasons given by Mr. Cadalbert as grounds for refusing to serve (taking issue with the structure of the army which he described as 'inhuman', belief that armies do not solve any problems, etc.) did not satisfy the requirements of case law (see the above-mentioned quotation) for valid entitlement to conscientious objection.

Recently, on 17 May 1992, the people and the cantons accepted an amendment to article 18 of the Constitution which now embodies the principle of civilian service, as well as the rule that service is obligatory. It now rests with the legislature to enact legal provisions implementing this new principle and to stipulate admissible grounds for exemption from service in the army, the duration of civilian service and the terms and conditions covering it. At this stage of the legislative process, it is already possible to say that there will be no free choice between military and civilian service, as the former will remain the rule and the second will be permissible only on certain ethical grounds and in accordance with a procedure which has still to be defined. Nevertheless, once the legislation comes into force, conscientious objectors will no longer be liable to a penalty."

United Republic of Tanzania

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following information to the Government of Tanzania:

> "The Special Rapporteur has been informed that, on 16 February 1994, a decree was promulgated prohibiting the Jehovah's Witnesses from pursuing their activities and holding meetings although they have been recognized and registered as a religious organization since 1988.
>
> According to some reports, pressure has been building up which could endanger the religious peace in Tanzania and is a source of concern to the Christian community. The following cases have been brought to the attention of the Special Rapporteur and may be summarized as follows: on Good Friday 1993, clashes occurred between Muslims and police in Dar es Salaam, after Muslims allegedly attacked butchers' shops selling pork. The same group reportedly asked its members to give up their official party cards and form an Islamic party. The Catholic bishops officially took a stand against religious calumny and provocative acts towards other religions."

Turkey

In a communication dated 5 September 1994, the Special Rapporteur transmitted the following observations to the Government of Turkey:

> "According to information received, the Assyro-Chaldean minority are suffering serious violations, in particular in the area of religious tolerance. In religious matters, their freedoms are being curtailed and Muslim religious education is compulsory for this Christian minority. In the monasteries, activities have been cut back and made subject to prior supervision by the authorities. In practice, the right to build new churches cannot be exercised. The Assyro-Chaldeans have no schools, even at primary level, or social institutions; they are forbidden to open their own establishments. They are also banned from public service.
>
> They are also reported to be the victims of regular attacks by armed individuals and groups who not only rob them of their property and abduct their daughters, but also perpetrate murder, thereby creating an atmosphere of fear, apparently with the aim of forcing them to leave their villages. Thus, since 1975, more than 100,000 Assyro-Chaldeans have left the country and only 10,000 remain.
>
> According to the information transmitted, the following persons have been murdered:

Name	Date	Place of residence	Site of murder
Bulut Gevriye	01.04.90	Midyat	Enhil
Bulut Sami	01.04.90	Midyat	Enhil
Gorgen Yakup	21.04.90	Midyat	Midyat

Name	Date	Place of residence	Site of murder
Aykil Yusuf	03.06.90	Midyat	Arnas
Aykil Edibe	03.06.90	Midyat	Arnas
Davut Malke	09.10.90	Midyat	Midyat
Onal Semun	14.11.90	Mardin	Binebil
Akgül Bahhe	14.11.90	Mardin	Binebil
Sürer Yusuf	14.11.90	Mardin	Binebil
Büyükbas Celil	14.11.90	Mardin	Binebil
Tahan Ishak	23.03.91	Midyat	Midyat
Adil Ferit	27.08.91	Midyat	Enhil
Adil Ismuni	27.08.91	Midyat	Enhil
Bayru Mikayil	03.12.91	Idil	Hazag
Yontan Yakup	26.07.92	Mardin	Kiziltepe
Aksoy Fikri	10.08.92	Midyat	Midyat
Yüksel Circis	22.09.92	Savur	Mardin
Kalayci Aziz	13.01.93	Midyat	Enhil
Koç Isa	13.01.93	Midyat	Garabale
Ozbakir Yusuf	13.01.93	Midyat	Enhil
Aydin Aydin	13.01.93	Midyat	Garabale
Durmaz Gevriye	13.01.83	Midyat	Mzizah
Savci Gevriye	06.02.93	Midyat	Hah
Aydin Hanna	29.11.93	Hah	Midyat
Mete Yakup	16.02.94	Midyat	Midyat

On 18 November 1993, a 16-year-old Assyrian boy and his father were reportedly arrested and detained for 12 days by the security authorities. The security officers are said to have melted a plastic cross on the skin of their chests. After their arrest, the father and son, who are from the village of Bakisyan (Alagoz), were beaten and tortured by officers at Dargieit police station.

The Assyro-Chaldean inhabitants of the village of Hassana (Kösrali in Turkish), in south-eastern Turkey were expelled by the army in November 1993, the Assyrian village of Bate having been razed to the ground in October of the same year.

The Special Rapporteur has also been informed that evangelists are being subjected to close surveillance and have in some cases been arrested by the police. In July 1993, plaintiffs in a court in Istanbul called for the imprisonment of 14 Spanish members of a Protestant sect for having sung hymns and distributed Christian pamphlets near a mosque during worshippers' prayers. The members of the Protestant sect were accused of disturbing the peace and were released on bail in August 1993.

The activities of the Greek and Armenian Orthodox Churches are also reported to be under close surveillance. In addition, despite the interest regularly expressed by the Greek Patriarchate in reopening the seminary on the island of Halki, which was closed following its nationalization in the 1970s, a favourable reply has not been received from the authorities. The Armenian Church has had its land seized by Muslim extremist groups, notably on the Princes Islands.

According to certain reports, non-Muslim minorities, primarily Orthodox Greeks but also Orthodox Armenians and Jews, have been confronted with the danger of losing their places of worship because of a law transferring ownership of unused religious buildings to the State.

The Special Rapporteur has also received reports that members of the Alawi Muslim minority are suffering religious discrimination, particularly with regard to university entrance and promotion in their jobs. In Tunceli province, whose population is mostly made up of Kurds and Alawis, the mosque in the centre of the capital can be used only by Sunni employees of the central Government working in Tunceli."

Viet Nam

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following information to the Government of Viet Nam:

"Reports have been received that the right to freedom of religion is still being seriously infringed.

As far as the Unified Buddhist Church is concerned, the Special Rapporteur has been informed about the trial at Ba Ria Vung Tau, at the beginning of January, during which Venerable Thich Hanh Duc, superior of the Son Linh pagoda, was sentenced to three years' imprisonment and Venerable Thien Tho to 18 months' imprisonment. Venerable Hanh Duc was reportedly arrested on 9 July 1993 with 25 other monks and almost 100 religious believers. According to reports thousands of the region's faithful, who had flocked to the pagoda that day to defend him, were unable to prevent his arrest, which was carried out with the support of a large contingent of security forces, as the local security forces had had to call in reinforcements of armoured cars in order to enter the precincts of the pagoda. Venerable Hanh Duc is said to have been arrested for supporting the Unified Buddhist Church.

Moreover, according to the information received, Very Venerable Thich Huyen Quang (see E/CN.4/1994/79) is still being kept in complete isolation under the permanent surveillance of the local security forces. His last assistants are said to have been expelled from the Hoi Phuoc pagoda to which he had been restricted since 1982. He is allegedly forbidden to travel, communicate with the outside world or even see a doctor, despite being in poor health, on the pretext that his residence permit is not valid.

In response to the demands of the Patriarch Thich Huyen Quang who, in numerous letters to the authorities, has requested the return of the pagodas and other religious centres confiscated or unwillingly handed over to the State when the regime changed, as well as freedom of worship for the members of the Unified Buddhist Church of Viet Nam, Mr. Vu Quang, Director of the Department of Religious Affairs is reported to have adopted increasingly repressive measures, and Very Venerable Thich Huyen Quang has been forbidden to use his title of Chairman of the Institute for the Propagation of the Dharma of the Unified Buddhist Church, to use the official seal of the Unified Buddhist Church or to make contact with the outside world.

Venerable Thick Giac Duong is said to have been found hanging from a tree on 18 March 1994 in the village of Dap Da, Binh Dinh province. From the information received, the victim's facial expression and the marks on his body indicated that he had died before he was hanged. Venerable Thich Giac Duong was allegedly killed by the security police on account of his active support for Venerable Thich Huyen Quang.

Four dignitaries of the Unified Buddhist Church, Thich Tri Tuu, Hai Tang, Hai Chanh and Hai Thinh, who were sentenced to between three and four years' imprisonment on 15 November 1993, are said to have been transferred to the Nam Ha re-education camp (also called Ba Sao) in the Phu Ly district of Nam Ha province, in the north of the country. Venerable Thich Hai Tang is said to be suffering from severe migraines and not to be receiving proper medical treatment. It is reported that the appeal which the four priests lodged against their sentences under article 207 of the Code of Criminal Procedure was rejected.

According to some accounts, despite the authorization which the local office for religious affairs of Dong Ni province had given Venerable Thich Nhat Ban in 1994 to restore a Buddhist statue, the local police have threatened him and confiscated his equipment.

Although religious freedom is recognized by article 70 of the 1992 Constitution and article 1 of Council of Ministers Decree 69 of 1991, a new document, dated 4 December 1993, with reference number 500 HD/TGCP, allegedly orders local authorities strictly to apply the specific guidelines on religious policy contained in Order No. 379/TTg of the Head of Government, published on 23 July 1993. This document is alleged to place dangerous limits on freedom of expression by stipulating that religious books may be printed and published only by Government publishing houses and that printing on any other premises is regarded as illegal. As for the training of monks, it is said to state that 'the main criterion for the choice of candidates is that they fulfil their civic duties properly', not the moral and religious criteria of Churches. Furthermore, it is alleged clearly to threaten that 'those who misrepresent or distort the truth' will be severely punished.

According to the information received, this threat has already been carried out among Christians (see the information concerning the Christians) and might also apply to the claims of the Unified Buddhist Church, said to be regarded as misrepresentation by the Government, and which are allegedly receiving more and more support among the population.

The Special Rapporteur would also like to obtain information about the cases of the following Buddhist monks mentioned in his communications of 10 August 1992 and 3 October 1993: Thich Nguyen Giac, Thich Tri Sieu, Thich Tue Sy, Thich Phuc Vien, Thich Tri Luc, Thich Nhat Thuong, Thich Minh Su and Thich Tam Can.

The Special Rapporteur has received further information about the Hoa Hao Buddhist Church, which would appear to confirm the allegations transmitted to the Vietnamese Government in the communication dated 3 December 1993 (see E/CN.4/1994/79).

In addition to this information about persecution of the Hoa Hao Buddhist Church, including the confiscation of property and assets by the Vietnamese authorities, the detention in re-education camps and close surveillance of Church officials who are prevented from going about their religious activities, the banning of religious ceremonies in temples and meeting centres and the confiscation or destruction of religious books and altars in places of worship, the Special Rapporteur would again like to express his concern about the eminent persons and believers who have reportedly been sentenced to death and regarding whom the Permanent Mission of the Socialist Republic of Viet Nam has said in its letter of 31 December 1993 that it has received no confirmation.

These eminent persons and believers who are said to have been sentenced to death are: Nguyen Van Phung, Nguyen De, Huyn Van Lau, Nguyen Van Bao, Nguyen Van Khiet, Nguyen Van Oanh, Le Chon Tinh, Nguyen Van Coi, Nguyen Van Ba, Nguyen Van Ut, To Ba Ho and Nguyen Thanh Long.

The Special Rapporteur would similarly like information about the following eminent persons who have been imprisoned (see E/CN.4/1994/79): Nguyen Van Dau, Nguyen Van Hung, Nguyen Van Tren, Nguyen Van Dung and Tran Huu Duyen.

According to the information received, some eminent persons who had acted as leaders have been arrested, detained without trial and tortured to death. They include Mr. Luong Trong Tuong (head of the Holy Seat of the Church), Mr. Truong Minh Ky (his deputy), Mr. Phan Ba Cam (dignitary, writer and journalist, Chairman of the Human Rights and Citizens' Rights Association of Viet Nam), and Mr. Le Van Thu (Chairman of the Regional Committee for the Propagation of the Faith of Chau Doc province).

As far as the Cao Dai Church is concerned, the Special Rapporteur has been informed that after the military occupation of the Holy Seat of Tay Ninh, its senior dignitaries were expelled and replaced by imposters. Moreover, certain senior dignitaries, whom the local administrative authority consider to be refractory, are said to have been reduced to the rank of mere believers. In particular, Archbishop Ho Tan Khoa, after a travesty of a trial by the People's Court of Hue, is said to have been relieved of his duties and reduced to the rank of a believer by the local administrative authorities at the instigation of bogus senior dignitaries of the Church.

Numerous senior dignitaries are reported to have been arrested and imprisoned, some are said to have been tortured to death and others sentenced to capital punishment by people's courts. They are alleged to include:

- Archbishop Thuong Nhan Thanh, arbitrarily arrested and sent to a re-education centre;

- Bishop Tran Quang Vinh, who reportedly died under mysterious circumstances in prison. It is said that his mortal remains have never been returned to his family who have not been told where he is buried;

- Dignitaries and laymen of Quang Nam province including Mr. Pham Ngoc Trang, Mr. Nguyen Thanh Diem and Mr. Dang Ngoc Liem who are said to have been speedily sentenced to death by a people's court;

- Mr. Huynh Thanh Khiet, Mr. Ho Huu Hia and Mr. Le Tai Thuong, reportedly sentenced to death by a people's court sitting in the actual precincts of the Holy Seat. The death sentences are said to have been carried out immediately.

Moreover, as reported in the communication dated 3 December 1993, addressed to the Government of Viet Nam (see E/CN.4/1994/79), the repression of the Cao Dai Church is said to have resulted, between 1975 and 1990, in the total seizure by the authorities of all its assets, religious, cultural and social centres and schools.

With regard to Christians, the Special Rapporteur has been informed that a Muong Christian layman from the north of Viet Nam was convicted of calumny because he denounced the persecution of his community.

In addition, the Special Rapporteur would like to receive information about the following cases involving Protestant clergy and religious believers mentioned in the communication dated 10 August 1992, addressed to the Government of Viet Nam (E/CN.4/1993/62, para. 68):

Pastor Tran Xuan Tu
Pastor Phan Quang Thieu
Pastor Le Quang Trung
Pastor Ai Nguyen
Mr. Y. De
Mr. Y. Thang
Twenty-four members of the Jeh tribe
Reverend Vo Xuan
Vo Van Lac.

Information would also be appreciated about the cases of the clergy and believers of the Roman Catholic Church referred to in the above-mentioned communication of 10 August 1992:

Tran Ba Loc
Nguyen Khac Nghieu
Nguyen Thai Sanh
Stephen Chan Tin
Pius Vu Thanh Hai
Father Nguyen Van De
Sister Nguyen Thi Nhi
Sister Tran Thbi Tri.

Lastly, the Special Rapporteur hopes to obtain information about the cases involving clergy of the Catholic and Protestant Churches referred to in his communication dated 3 December 1993, addressed to the Government of Viet Nam:

Catholic Church:	Brother Tran Van Hien Sister Tran Thi Tri Brother Nguyen Van De Brother Dominique Ngo Quang Tuyen Ly Van Dinh Vang Seo Sang Sung Khai Pha
Protestant Church:	Tai Ba Nguyen Pastor R'Mah Loan Pastor Pham Thu

Furthermore, the Special Rapporteur has been informed that all religious activity is prohibited in the re-education camps.

In reply to the above allegation, the Government of Viet Nam transmitted the following information to the Special Rapporteur on 22 November 1994:

'Your attention is drawn to part (1) of my letter of 29 December last year addressed to you in which I gave a full account of the situation concerning religious life in Viet Nam: the politics of the State, their implementation and practical realities. The situation concerning each religious denomination as well as the case of the no-longer-existing "Unified Buddhist Church of Viet Nam" and the four persons convicted in November 1993 for their acts of deliberately causing public disturbance and destroying public properties were clearly explained in that letter. We have received information confirming that these four persons are in normal health conditions.

I wish once again to reaffirm that in Viet Nam no person is arrested, tried or detained for his or her religious affiliation or activities. If anyone has been so, it was for his or her violation of the law.

Concerning specific "cases" you mentioned in your letter, while continuing to seek relevant information from Vietnamese Government agencies concerned that can be provided to you, I wish to bring to your attention the fact that VO VAN AL, President of the so-called "Viet Nam Committee on Human Rights" and his collaborators, for political ends rather than genuine human rights concerns, have sought by all means to distort the situation of human rights in Viet Nam, systematically making numerous groundless allegations and transmitting them to the Centre for Human Rights in the form of "communications" in abuse of the 1503 procedure. Answering these communications really constitutes an unnecessary heavy administrative burden for the Government. Innumerable visitors can see for themselves that in Viet Nam today, as a result of the renovations process under way for eight years now, the citizens are enjoying broader and broader democratic freedoms, including religious freedom, and that in Southern Viet Nam today, life, including religious life, is much more free and democratic than when it was under the rule of the nostalgia. I hope that when examining the situation of religious life in Viet Nam, you will keep in mind the explanations given above.'"

Yemen

In a communication dated 19 October 1994 the Special Rapporteur transmitted the following observations to the Government of Yemen:

> "The Special Rapporteur has been informed that the Missionary Sisters of Charity and the Salesian Fathers have been harassed by North Yemen soldiers since the signing of the armistice on 7 July 1994. Shots were reportedly fired on the church run by the Salesians. Armed persons also allegedly tried to steal vehicles belonging to the Missionary Sisters of Charity and a priest.
>
> There are reportedly 20 Missionary Sisters of Charity who have opened centres in Aden, Al Hudaydah, San'a and Ta'izz to provide assistance for the poor and sick people, as well as four Salesian priests from the province of Bangalore who are helping the nuns and accompanying migrant workers from India."

Zimbabwe

In a communication dated 5 October 1994, the Special Rapporteur transmitted the following observations to the Government of Zimbabwe:

> "According to the information received, the Ministry of the Interior of Zimbabwe has confirmed that restrictive measures are being applied in connection with the granting of work permits to foreign missionaries. It was reportedly stated, in particular, that:
>
> > 'The kind of missionary we are looking for is one who can contribute to the development of the country.' Requests for work permits submitted by teachers, doctors, engineers and agronomy experts have been favourably received. As regards missionaries wishing to teach the Bible, 'we think we have enough Zimbabweans qualified to be ministers of religion and to teach the Bible'."

Former Yugoslavia

Once again, no allegations were communicated to the authorities concerned this year on account of the complexity of the situation and the extension of the mandate of the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia. The Special Rapporteur has taken note with interest of the sixth periodic report submitted by the Special Rapporteur on the situation of human rights in the former Yugoslavia, Mr. Tadeusz Mazowiecki (E/CN.4/1994/110), and of resolution 1994/72 of the Commission on Human Rights of 9 March 1994.

III. VISIT BY THE SPECIAL RAPPORTEUR TO CHINA

A. Introduction

From 19 to 30 November 1994, the Special Rapporteur on Religious Intolerance visited China, on the proposal and at the invitation of the Government of the People's Republic of China, under the terms of his mandate and in accordance with Commission on Human Rights resolution 1994/18 of 25 February 1994. During that visit, the Special Rapporteur met representatives of the Government and of the non-governmental sectors. In particular, he had discussions with the leaders of the five principal religions represented in China (Buddhism, Taoism, Islam, Catholicism and Protestantism), worshippers and scholars and also with a recently released Tibetan monk. He also visited places of worship and of religious significance, as well as religious institutes. During the visit the Rapporteur went to Beijing, Chengdu (Sichuan Province), Lhasa (Tibet Autonomous Region) and Shanghai.

The Special Rapporteur wishes to extend his sincere thanks to the Chinese authorities for inviting him. He attaches symbolic importance to this first visit to China of a Special Rapporteur of the Commission on Human Rights. In this connection, he wishes to welcome the openness shown by the Chinese Government and its efforts, its sustained interest and its desire to cooperate. He is also very grateful to the various high-level individuals he met during the preparation and in the course of this visit.

The visit, and the high quality of the discussions during both consultations with government representatives and interviews with the various religious groupings, provided a better understanding of the religious aspects of the human rights situation in both its religious and political dimensions. China is a very large and complex country, an analysis of which demands sustained attention and special efforts. China has for some time been engaged in a process of fundamental reforms in every field, including that of human rights. Thus the visit resulted in a better understanding of Chinese realities and at the same time the identification of certain fields of progress and aspects where further development may be hoped for. In this connection, the Special Rapporteur considers that exchanges of this kind should be continued.

General background

The People's Republic of China has an area of 9,596,961 square kilometres; its population was estimated in 1992 at approximately 1,187,004,000, and the population growth rate for the period 1992-2000 has been estimated at 1.2 per cent annually. It consists of 22 provinces, 5 autonomous regions (Tibet, Xinjiang, Ningxia, Guangxi, Inner Mongolia) and 3 municipalities under direct central Government rule (Beijing, Shanghai, Tianjin). China is a multi-ethnic and multireligious State, but the majority of its population is atheist.

There are five officially recognized religions - Buddhism, Taoism, Islam, Catholicism and Protestantism. The oldest religions present in China are Buddhism and Taoism. Islam, and subsequently Catholicism and Protestantism, became established later and are now recognized as belonging to the group of principal religions. Since the inception of the People's Republic of China in 1949, these religions have developed in a special historical and political context, major features of which were the cultural revolution of 1966-1976, under which all religious activities were strictly forbidden, and their gradual re-emergence at the end of the 1970s.

At the international level, China, which is a permanent member of the United Nations Security Council, participated in the drafting of a number of international human rights instruments which have an impact in the field of freedom of religion. China is a party to several of them, and in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child (which China ratified on 2 March 1992).

In this context, the current situation in the sphere of freedom of religion in China - in relation to legislation concerning tolerance and non-discrimination based on religion or belief, the application of that legislation and the policies currently in force - formed the subjects of careful study during the visit by the Special Rapporteur.

B. Working methods and activities

During his stay in China the Special Rapporteur visited the cities of Beijing, Chengdu (Sichuan Province), Lhasa and Shanghai.

In Beijing (21-23 and 30 November), the Special Rapporteur met representatives of the Government - the Assistant Minister for Foreign Affairs; the Director-General for International Organizations and Conferences in the Ministry of Foreign Affairs; the Deputy Director and officials of the same Ministry; two Deputy Directors of the Prisons Administration Department of the Ministry of Justice and the Head of the Foreign Affairs Department of the same Ministry; the Deputy Director of the Ministry of Public Security and Representatives of the Foreign Relations Department of the same Ministry. The Special Rapporteur also had talks with representatives of the Office of Religious Affairs of the State Affairs Council and with members of the Religious Affairs Committee of the National Committee of the Political Advisory Conference of the Chinese People (CCPPC). During his meeting with the CCPPC, the Special Rapporteur had the benefit of the participation of official representatives of the five principal religions, including the Vice-President of the CCPPC, the President of the Three-Self Patriotic Movement Committee of the Protestant Churches, the President of the Patriotic Catholic Association, the President of the Islamic Association, the Vice-President of the Buddhist Association and the Vice-President of the Taoist Association. The Special Rapporteur also held consultations with the Director-General of the Chinese Centre for Tibetan Studies and with officials and researchers in the Institute of World Religions of the Academy of Social Sciences. Finally, the Special Rapporteur met the President of the Board of Beijing Young Men's Christian Association (YMCA) and the Vice-President of the Beijing Christian Council. He also visited the Mosque in Niujie, the Nantang Catholic Church and the Lama Temple.

In Chengdu (24 and 27 November), the Special Rapporteur met the Director of the Sichuan External Affairs Office and the Deputy Director of the Sichuan Religious Affairs Office. He also took part in visits to the Sichuan Protestant Seminary, the Zhongmi Buddhist Institute, the Buddhist temple at Manjusri and the Qigyang Taoist Temple. For technical reasons he was unable to take part in a visit to a Protestant meeting-place in a rural area.

In Lhasa (25-26 November), the Special Rapporteur met the Vice-President of the Tibet Autonomous Region, the Chairman and Vice-Chairman of the Religious and Ethnic Affairs Commission of the Government of the Tibet Autonomous Region, the Deputy Director of the External Affairs Office and the Deputy Secretary-General of the Association for Friendship With Other Countries. He also had talks with the President of the Tibetan Buddhist Association and the Chairman of the Democratic Management Committee of Drepung Monastery and the Vice-Chairman of the Democratic Management Committee of the Jokhang Temple. The Special Rapporteur was also able to have a meeting with Mr. Julo Dawa Tsering, a Tibetan monk, who was imprisoned on 15 December 1987 and released on 6 November 1994. Finally, he visited the Potala Palace, the Jokhang Temple and the Drepung Monastery. For technical reasons he was unable to visit Sera and Gandan Monasteries.

In Shanghai (28-29 November), the Special Rapporteur met the Director of the External Affairs Office. He was able to visit the Huxi mosque, the Muen Protestant church, the Jade Buddha Temple, the Catholic church and the convent in Xujiahi and the seminary in Sheshan. During these visits the Rapporteur held consultations with, *inter alia*, the imam of the mosque, the Vice-President of the Association of Chinese Protestants, the Master of the Jade Buddha Temple and the Bishop of Shanghai. Lastly, the Special Rapporteur had talks with the Vice-President of the Three-Self Patriotic Movement of Chinese Christians and the Secretary-General of the YMCA of China.

The arrangements for the visit to China had been discussed with Chinese representatives in Geneva, at the Centre for Human Rights, and in Tunis. The final version of the detailed programme of visits was drawn up in China in cooperation with the Chinese authorities. The Special Rapporteur was also assisted by the United Nations Development Programme (UNDP) in Beijing throughout his visit.

During his visits, the Special Rapporteur recalled and explained the mandate assigned to him by the United Nations Commission on Human Rights, namely to ensure the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. To that end, he outlined the 1981 Declaration and its operative provisions (recognition of freedom of belief and the right to manifest that belief; definition of the concept of tolerance and non-discrimination in relation to religion or belief; definition of the precise content of freedom of religion; the limitations provided for; and strict conditions of implementation).

The Special Rapporteur laid stress on the principles of independence and objectivity governing the execution of his mandate and his visit to China and recalled the relevant paragraphs of the conclusions and recommendations contained in his report to the fiftieth session of the Commission on Human Rights (E/CN.4/1994/18, paras. 94-97). Explaining the purpose of his visit, the Rapporteur stated that he was seeking to arrive at a better knowledge, understanding and analysis of China and a constructive dialogue with all the parties, with a view to promoting human rights in the field of freedom of religion and strengthening and developing cooperation between China and the Special Rapporteur in a spirit of respect and mutual assistance.

Leaving aside all accusations and judgements, and taking fully into account the complex realities of China, the Special Rapporteur conducted exchanges of views, collected information and sought clarifications through talks in which both general and specific allegations and questions were presented. In particular, he referred to two aspects - firstly, legislation and its implementation and China's policy on tolerance and non-discrimination in relation to religion or belief; and secondly, specific cases concerning which allegations had been made. With regard to the first aspect, the Special Rapporteur examined with the other parties to the discussions, the desirability of certain concrete proposals and recommendations. Regarding the second aspect, he called for the release of the worshippers and clergy who were the subject of the allegation transmitted to the Government of China on 25 November 1993 and of new allegations communicated during his visit (see appendix 1).

C. Legislation in the field of tolerance and non-discrimination in relation to religion or belief

1. Legislation currently in force

Article 36 of the Chinese Constitution reads as follows:

> "Citizens of the People's Republic of China enjoy freedom of religious belief. No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.

> Religious bodies and religious affairs are not subject to any foreign domination."

The Autonomous Regions of National Minorities Act (arts. 11 and 53), the Penal Code (arts. 147 and 165), the Civil Code (art. 77), the Military Service Code (art. 3), the Electoral Code (art. 3), the Compulsory Education Act (art. 16) and the Organization of Rural Committees Act provide for the protection of freedom of worship and equality of rights for religious citizens. In particular, article 147 of the Penal Code provides that:

> "State officials who violate the freedom of worship of citizens or the customs of national minorities are punishable in serious cases by imprisonment for not more than two years or by a short term of imprisonment. Any person who forcibly prevents legal religious activities, compels believers to abandon their religion, compels a citizen to practise any form of worship, illegally closes or demolishes legal places of worship or other religious premises is violating democratic rights and individual freedom and failing in his duty and is punishable by law."

On 31 January 1994 two new regulations governing religious activities came into force. The first (entitled "Provisions governing the religious activities of foreign nationals within the frontiers of the People's Republic of China") was promulgated by Council of State Decree No. 144. Article 1 of this regulation states that its purpose is to "protect the freedom of religion of foreign nationals in China". Articles 3 and 4 provide that foreign nationals may engage in religious activities provided that the latter take place in religious venues or places recognized as such by the Office of Religious Affairs. The regulation also guarantees to foreign nationals the right to bring with them religious publications not exceeding in quantity "what they require for their personal use" and prohibits "entry of any document of a religious character" the contents of which prejudice the interests of the public in Chinese society (art. 6). Foreign nationals must respect Chinese laws and regulations and "are not permitted to establish religious organizations, liaison offices, venues for religious activities or non-religious schools and institutes within China; they are not allowed to recruit believers among the Chinese citizens, appoint clergy or undertake other evangelist activities" (art. 8). Article 9 states that any foreign national engaging in activities of these kinds is liable to penalties in accordance with Chinese law.

The second regulation (entitled "Regulation concerning the functioning of places of worship") was promulgated by Council of State Decree No. 145. Its purpose is to protect "normal religious activities" (see art. 36 of the Constitution). It guarantees the right of religious organizations to receive subsidies or gifts, to sell objects of a religious nature and to administer their assets and income themselves (arts. 6, 7 and 8). Article 3 states that their "legal rights, and the normal religious activities ... will be under the protection of the law, and no organization or person will be permitted to transgress or interfere". Article 2 states that all "places devoted to religious activities" (temples, monasteries, mosques, churches or other places in which religious activities take place) must be declared to the authorities in accordance with rules established by the government Office of Religious

Affairs. Article 4 prohibits all activities "which harm national unity, ethnic unity or the social order, harm citizens' health or destroy the national educational system". It also prohibits organizations or individuals established outside China from exercising any control over religious groups in China. Article 15 provides that violators of these provisions are liable to penal sanctions.

On 12 May 1994 the National People's Congress added 18 new articles to the January 1987 Regulations Governing Public Order Offences. Three of the new articles - those relating to "carrying out activities under the name of a social organization without registration", "organizing activities of superstitious sects and secret societies to disrupt public order" and "disturbing public order and damaging people's health through religious activities" - affect religious congregations.

2. Concerns of the Special Rapporteur

During his visit, the Special Rapporteur paid particular attention to the points analysed in the subsections which follow.

(a) The right to freedom of belief

(i) Young people under age 18

The Special Rapporteur asked what were the reasons for the non-recognition of the right to religious education and belief for young people under age 18 (which is contrary to the 1981 Declaration and article 14 of the Convention on the Rights of the Child). The authorities stated that there were no provisions on the subject and that, under the Constitution, all citizens enjoyed freedom of belief; that provision excluded any restriction. It was pointed out that, in practice, it was necessary to be over 18 years of age to become a monk. Non-governmental representatives stated that there were no provisions either establishing or prohibiting the right of persons under age 18 to freedom of belief. It was indicated that that right was a private matter for individuals and that the law encouraged the definition of responsibilities *vis-à-vis* society and not *vis-à-vis* religions. It was also stated that religious education could not be imparted to young persons under age 18 in public institutions.

(ii) Members of the Chinese Communist Party

The Special Rapporteur asked whether freedom of religious belief was not permitted for members of the Chinese Communist Party. The authorities stated that the Constitution and the laws provided for freedom of belief for all citizens, whereas the doctrine of the Communist Party was atheistic. It was stated that the prohibition existed in theory but that freedom of religious belief was acceptable among party members from ethnic minorities.

(b) The right to freedom to manifest one's religion

Article 36 of the Constitution provides for the right to freedom of religious belief but not the right to manifest one's religion as provided for in the first paragraph of article 1 of the 1981 Declaration. The

Special Rapporteur asked the Chinese authorities whether they were considering the possibility of an amendment to article 36 of the Constitution in order to guarantee respect of the freedom to manifest one's religion. The authorities stated that the Constitution was the basic law, laying down an extremely comprehensive set of principles, whereas the details were regulated by laws, codes and decrees. The authorities went on to state that the right to freedom to manifest one's religion existed in practice. Non-governmental representatives stated that citizens were free to believe or not to believe and that it was therefore preferable not to have constitutional provisions relating to freedom to manifest one's religion. Representatives of the religious groups added that in China the concept of "mutual respect" was preferred to that of "freedom to manifest one's religion".

(c) The practice of religion

(i) Proselytism

The Special Rapporteur sought to learn more concerning the conditions under which proselytizing activities were carried on by Chinese and by foreigners. The authorities stated that the right to freedom of belief and to manifest one's belief had to be exercised within the framework of the Constitution and the laws, and in particular the right to carry on normal religious activities in places of worship. It was also pointed out, firstly, that meetings in public places required the prior authorization of the public security authorities in accordance with the Demonstrations Act, and secondly, that the public security authorities treated demonstrations of a religious character on an equal footing with demonstrations of other kinds.

As regards proselytizing activities carried on by non-Chinese, the authorities referred to the new Decree No. 144. It was pointed out that any unauthorized assembly of a large number of persons constituted a breach of the law, as did any assembly directed by foreigners, as such an assembly would be incompatible with the status of tourists and the decrees and regulations concerning entry to and exit from Chinese territory. Non-governmental representatives also indicated that foreigners had had occasion to conduct religious activities in China, particularly within churches.

(ii) The concept of normal and abnormal religious activities

The Special Rapporteur sought information on the criteria defining the concepts of normal and abnormal religious activities. The authorities replied that normal religious activities were provided for, prescribed and protected by the Constitution and by laws and regulations (including Decrees Nos. 144 and 145) and that religious activities which failed to comply with those instruments were considered abnormal. The representatives of the Ministry of Public Security stated that the practice of a religion at home, and the classification of it, had not always been treated uniformly.

(iii) Registration for the practice of a religion

The Special Rapporteur asked whether believers were required to register in order actually to practise their religion. The authorities stated that registration concerned religious associations and places of worship, but not individual believers or meetings within families.

(d) Places of worship

(i) The concept of the "fixed place"

Article 2 of Decree No. 145 specifies what places are places of worship but does not define the concept of a "fixed place". The Special Rapporteur asked for more detailed information on this concept and, in particular, asked whether a home could be considered to be a place of worship. The authorities stated a religion could be practised in the workplace or at home and that, where the construction of a place of worship was impossible, a home could be a place of regular practice under a temporary registration. It was also explained that cases of this kind were few inasmuch as places of worship were being constructed rapidly. It was also explained that such cases occurred mainly within the Protestant religion, which had meeting-places which could be registered if it was established that they complied with the provisions of the decrees in force. Non-governmental representatives stated that prayers were forbidden during work because they infringed the rights of non-believers.

(ii) Criteria for registration and appeals

The Special Rapporteur asked what were the criteria for registration of places of worship. The authorities gave the following criteria: official name; a fixed place; a certain number of worshippers; sufficiently qualified clergy; income or receipts in accordance with the law; and regulations. Once all those criteria were met, a request for registration could be submitted to the Government. Regarding the criterion of the number of worshippers, the authorities stated that there were no precise limits and that the number of worshippers could exceed 20 or 30. As for the criterion of qualification of the clergy, the authorities stated that clergy must have a minimum standard of religious knowledge.

The authorities stated that, in the event of refusal of registration, appeals could be addressed to a higher administrative body or to a court of law if the application for registration was rejected notwithstanding the fact that all the requisite conditions were met.

(e) Gifts and voluntary work

The authorities stated that gifts and voluntary work were possible so long as they were not compulsory in any way. It was also stated that voluntary gifts from foreigners were authorized (examples were quoted of gifts from the United Arab Emirates and the Development Bank); that certain conditions had to be met; and that the rules concerning gifts from foreigners were the same for every religion.

(f) The Penal Code, the new Act and the draft bill

(i) Penal Code

Several of the persons met stressed the importance of article 147 of the Penal Code (which provides for penalties in respect of all infringements of freedom of religion by State officials), since in their view the principal difficulties currently being experienced with regard to freedom of religion derived from infringements committed by officials.

(ii) Act concerning compensation for persons detained and acquitted

The Special Rapporteur asked for more detailed information on this Act, the entry into force of which was scheduled for 1 January 1995. He obtained a copy of the Act in Chinese and is waiting for a French translation. The Ministry of Justice indicated that the question of compensation lay within the competence of the people's courts. A member of the Institute of World Religions stated that the Act was a major step forward inasmuch as it constituted a development of the rights of the individual and his defence, particularly with regard to officials who would have to accept their responsibilities and pay compensation following violations committed against persons who were subsequently acquitted. It was added that only the principle of compensation had been accepted and that its implementation would be difficult; in particular, it presupposed the acceptance of the new concept by the public.

(iii) General bill on freedom of religion

The Special Rapporteur asked the authorities about the desirability of a general act concerning freedom to practise a religion. The authorities stated that they had no plans for draft legislation of that kind. Non-governmental representatives considered that legislation of that kind was necessary but that some time would be needed to obtain the required experience, and that the recent decrees were transitional measures forming part of a general process of improvement of the situation.

D. Implementation of legislation and policy on tolerance and non-discrimination based on religion or belief

1. Summary of information

According to the information transmitted by the Chinese authorities with regard to the Chinese Government's policy on freedom of religious belief, "the Chinese Government always respects and protects the citizens' free choice of religious belief, adopting a policy of religious freedom guaranteed by law". Chinese citizens are free to believe in religion or not, and to choose to believe in any kind of religion. Within a religion, they are free to believe in any sect. Non-believers may become believers, and believers may at any time change their beliefs. Politically and legally, religious adherents and non-believers are equal and have the same rights and obligations.

"The State follows the principle of separation of religion from politics and education." Religious groups operate under the guiding principles of independence, autonomy and self-management, without State or foreign interference. "Governments at various levels carry out its policy by helping religious circles reopen their monasteries, temples and churches and other sites for normal religious activities. The Government supports and encourages religious believers to take an active part in the country's socialist construction and the building of a socialist spiritual and material civilization."

With regard to the enforcement and monitoring of policy on freedom of religious belief, the Chinese Government includes a Department of Religious Affairs which is responsible for enforcement of the law and policy on freedom of religious belief, not for meddling in the religious activities of individual religious groups. "In case of any infringement of the policy on freedom of religious belief, the Government will promptly correct the mistakes and handle the incident properly. The People's Congress and the People's Political Consultative Conference at all levels supervise the implementation of the policy on freedom of religious belief by democratic means."

According to information transmitted to the Special Rapporteur prior to his visit, the five religions officially recognized in China have been amalgamated into a patriotic association, which is answerable for its activities to the Government's Office of Religious Affairs. Eight religious organizations are said to have official authorization in the whole of China: the China Buddhist Association, the China Taoist Association, the China Islamic Association, the Chinese Patriotic Catholic Association, the National Administration Commission of the Chinese Catholic Church, the Chinese Catholic Bishops' College, the Three-Self Patriotic Movement Committee of the Protestant Churches of China and the Christian Council.

It appears that the Chinese authorities are trying to restrict and repress all religious activities outside the existing structures mentioned above and are at the same time reducing authorized religious activities across the whole of China (see the allegation of 25 November 1993, E/CN.4/1994/79). The Tibet Autonomous Region continues to encounter grave difficulties as far as religious tolerance is concerned (E/CN.4/1994/79 idem). The Chinese Communist Party is reported to have issued two documents on religion: Document No. 6 of 6 February 1991 and Document No. 19 of March 1982. "Document No. 6 would call for registration of all religious meetings and for tighter control of religious affairs. It would state that 'Communist Party members are allowed neither to believe in religion' nor participate in religious activities 'and would contain a prohibition on the activities of "Self-styled preachers"'; 'Document No. 19 would state that religious work is an important part of the Party's mass and of our Party's United Front Work. Therefore, our Party committees at all levels must powerfully direct and organize all departments, including the United Front departments, the Religious Affairs Bureaux ... and all other people's organizations to unify their thinking, understanding and policies'. It would also state that the only religious professionals permitted to perform religious duties are those who, after examination, are judged 'politically reliable'."

2. Concerns of the Special Rapporteur

(a) Situation of the religious communities: statistical data

During his visit, the Special Rapporteur attempted to collect statistical data on the five main religious communities in China. The tables below reproduce the information obtained from the Office of Religious Affairs and the Chinese People's Political Consultative Conference (CPPCC). They indicated that the data were sometimes approximate, or even non-existent (as in the case of the Taoist population), because of difficulties in establishing statistics. The Ministry for Public Security told the Special Rapporteur that no mention was made of citizens' religion either in the registers of inhabitants or in the files on arrested and detained persons.

With reference to the Chinese Government's reply of 22 December 1993 (E/CN.4/1994/79), differences are to be noted between the statistical data transmitted last year and this as far as the Christian religion, particularly Protestantism, is concerned.

	December 1993	November 1994
Catholicism	3.5 million	4 million
Protestantism	4.5 million	6.5 million

This development, which was confirmed by numerous persons interviewed during the visit, seems to reflect a religious revival, as illustrated by the growth of the Christian communities. According to various non-governmental sources, the figures for the Catholic and Protestant communities are much higher (in millions), but cannot be reflected in the tables below because of the difficulty of taking into account all the believers affiliated to unofficial religious organizations.

Buddhists

Statistical data on Buddhists in China (Chinese-language-family Buddhism, Tibetan-language-family Buddhism, Pali-language-family Buddhism or Lamaism)	Information provided by the Office of Religious Affairs	Information provided by the Chinese People's Political Consultative Conference (CPPCC)
Number of believers		100 million (approx.)
Number of members of religious orders	170 000	170 to 180 000
Number of places of worship	9 500 monasteries	10 000 temples, monasteries
Number of theological institutes	14	20 institutes and 2 000 seminarists
National Buddhist association	China Buddhist Association (1953)	
National association publication	"Voice of the Dharma"	"Voice of the Dharma"

Statistical data on Chinese-language-family Buddhism	Information provided by the Office of Religious Affairs	Information provided by the CPPCC
Number of members of religious orders	40 000+ monks and nuns	
Number of monasteries	5 000+	

Statistical data on Tibetan-language-family Buddhism	Information provided by the Office of Religious Affairs	Information provided by the CPPCC
Population	7 million: Tibetans, Mongols, Tu, Yugur, Naxi, Pumi, Moinba	
Number of members of religious orders	120 000 lamas and nuns	120 000
Number of places of worship	3 000	3 000

Statistical data on Pali-language-family Buddhism	Information provided by the Office of Religious Affairs	Information provided by the CPPCC
Population	1.5 million: Dai, Blang, Deang, Va, Achang	
Number of members of religious orders	8 000 monks and nuns	
Number of places of worship	1 000 monasteries	

Catholics

Statistical data on the Catholic community in China	Information provided by the Office of Religious Affairs	Information provided by the CPPCC
Number of Catholics	4 million (approx.)	1582 (introduction of Catholicism to China) - 1949: 2.7 million 1994: 4 million
Number of clergy	2 700	Bishops: 70 (1852-1949: 109 foreign bishops, 20 Chinese bishops) Priests: 1 000 Nuns: 2 000 Seminarists: 1 200 Novices: 1 600
Number of churches or chapels	4 000	4 000
Number of parishes		1852-1949: 137 1994: 113
Number of convents	12 (approx.)	40
Number of seminaries	11	24
Number of persons educated abroad		60
Number of baptisms		6 000 per year (approx.)
Number of national Catholic associations	Chinese Patriotic Catholic Association (1957); Bishops' Conference of the Catholic Church in China	
Newspaper	"Catholic Church in China"	
Links with foreign dioceses		90 countries

Protestants

Statistical data on the Protestant community in China	Information provided by the Office of Religious Affairs	Information provided by the CPPCC
Number of Protestants	1949: 700 000 1994: 6.5 million	1949: 700 000 1994: 7 million
Number of religious workers	18 000 clergymen and missionaries	1 000 seminarists
Number of churches	8 000	8 000
Number of meeting places	20 000	20 000
Number of seminaries	13	13
Number of bibles printed		Early 1980s: 10 million Since 1994: 2 200 000
Newspaper	"Tian Feng" (Heavenly Wind)	"Heaven"
Number of national Protestant associations	National Committee of the Three-Self Patriotic Movement of the Protestant Church in China (1954) China Christian Council (1980)	

Taoists

Statistical data on the Taoist community (2 main sects Quanzhen Taoism and Zhengyi Taoism)	Information provided by the Office of Religious Affairs	Information provided by the CPPCC
Number of priests and nuns living in temples	6 000	10 000
Number of Taoists not living in temples		30 to 40 000
Number of temples open to the public	600	1 000
Associations	China Taoist Association (national) (1957)	80 local organizations
Newspaper	China Taoism	

Muslims

Statistical data on the Muslim community in China	Information provided by the Office of Religious Affairs	Information provided by the CPPCC
Number of Muslims	17 million: Hui, Uighur, Kazak, Uzbek, Kirgiz, Tajik, Tatar, Dongxiang, Baoian, Salar	18 million including 8.6 million Uighur 7.2 million Hui
Geographical distribution		North-West China, particularly in the provinces or autonomous regions of Xinjiang, Gansu, Ningxia, Qinghai, Yunnan, Henan, Hebei. Few Muslims in the Chinese interior
Number of imams	40 000+	30 000
Number of mosques	26 000	28 000
Number of theological institutes	9	9 including the Chinese National Institute of Islamic Theology in Beijing
Number of Muslim associations	National Association of Muslims in China, founded 1953	400 in districts, municipalities, provinces and autonomous regions National Association of Muslims in China (1953)
Number of pilgrims going to Mecca		1949-1994: 20 000 Growing number: now 5 000 to 6 000 per year (approx.)
Major periodical	"Muslims in China"	"Muslims in China"

(b) Special questions

(i) Religious workers

a. Number

The Office of Religious Affairs and the religious representatives emphasized the shortage of religious workers which was due in particular to the effects of the Cultural Revolution.

In the case of Tibet, the Commission on Ethnic and Religious Affairs (CERA) stated that in one sense a limit on the number of monks was necessary in order to take account of the economic capacity of monasteries, some of which, overwhelmed by the number of lamas, had decided to turn away new arrivals. The head of the Drepung monastery said that the monastery had 550 lamas and that an increase in their number would lead to financial difficulties, threatening the monastery's financial independence and the provision of high quality teaching. The Director-General of the Chinese Centre of Tibetan Studies in Beijing explained that it was important to have good quality lamas rather than a high number of lamas, which led to social stagnation and slowed down economic development. The CERA also informed the Special Rapporteur that persons under the age of 18 were able to become monks providing they did so voluntarily and had their parents' consent.

b. Freedom of movement of religious workers

The Special Rapporteur received details from the authorities and the religious associations of numerous and varied inter-denominational exchanges with foreign countries. The CERA stated that religious workers were free to travel without authorization, although unofficial sources qualified this by explaining that very often there was no special reason for the journeys or sometimes formalities had to be completed.

c. Financial resources

The religious representatives stated that their salaries came from believers donations and not from State subsidies. In the case of Tibet, the CERA told the Special Rapporteur that the regional Government was about to give grants in the form of salaries to monks in large monasteries.

(ii) Places of worship

a. Number of places of worship

According to the information transmitted to the Special Rapporteur from official and other sources, there are insufficient places of worship for the number of believers.

b. Worship in the home

The Special Rapporteur was told that worship in the home was accepted, particularly in the case of Protestants who had meeting places in houses in suburban and rural areas. These meeting places are in fact attached to the churches and are mentioned during the registration procedure. According to religious representatives, the practice of using the home for worship is however irregular if there is already a place of worship such as a church nearby. Non-governmental sources report a growth in the use of homes as places of worship because of the development of unofficial Christian religious organizations, including sects.

c. Registration

According to the authorities, since the new decrees came into force, hundreds of thousands of places of worship have been registered. However, they were unable to provide any precise information.

d. Construction

The authorities stated that, because of the policy of separation of the State from religion, the construction of places of worship depended on the religious organizations and their financial capacity. However, the Government could contribute financially to the major places of worship. Furthermore, voluntary donations were permitted. It was not possible to obtain more precise information on the scale of construction of places of worship or the exact amount of money earmarked for this.

e. Restoration

According to the authorities, the State can give financial assistance for the restoration of places of worship and other religious places. In Tibet, the authorities claimed to have spent 40 million Yuan on the restoration of the Potala. In addition, 1,400 places of worship are said to have been restored and re-opened. The Institute of World Religions states that public fund-raising is also possible. There is no full and detailed information on the restoration of places of worship or places of a religious character in general.

f. Restitution

The majority of the religious associations (Christian, Muslim and Taoist) are said to encounter difficulties in reclaiming places of worship and property confiscated during the Cultural Revolution. The Chinese People's Political Consultative Committee stated that it sent out delegations on this matter every year to be able to submit the problem to the central authorities. The authorities would assist with the restitution of these places of worship but the procedure underway would take some time. Once again, specific data and figures are not available.

g. Access to places of worship

The Special Rapporteur was informed that entrance fees were charged at places of worship only for tourists and only at large or medium-sized places of worship. Moreover, the State did not deduct any tax. It was also confirmed that in Tibet, religious workers who had served sentences for "counter-revolutionary crimes" could not return to their places of worship.

h. Security

With regard to Tibet, when the Special Rapporteur asked about the presence of security posts in monasteries, the CERA replied that all monastery staff were members of religious orders, some of whom, in the large and medium-sized monasteries, were employed as guards by the Democratic Management Council. Police stations were to be found within the environs of monasteries and they could request the assistance of the security forces at large-scale events in order to ensure that traffic flowed smoothly and those entering the monastery did so in an orderly fashion.

i. Administration and regulation of places of worship

The CERA stated that, in Tibet, the monasteries' statutes were laid down by the Democratic Management Council, which was an autonomous organization. Members of religious orders also reported that monasteries had to be financially independent and commercial activities were encouraged. During the Special Rapporteur's visit to China, members of religious orders also told him of their intention to set up companies and firms, that is to turn to economic activity in order to finance places of worship and other properties.

(iii) Religious objects

a. Restitution

With regard to Tibet, the CERA stated that 350 tonnes of statues of Buddha had been restored and returned to temples. The Special Rapporteur was given photographic evidence showing that a large number of statues and religious objects had been damaged or destroyed, though no dates or locations were mentioned.

b. Theft

In response to the Special Rapporteur's question on the theft of religious objects in Tibet and on suitable ways of preserving them, such as having an inventory drawn up by UNESCO, the CERA stated that a law on antiques had been promulgated, as well as relevant regulations in Tibet, and there was a Council for the Protection of Precious Religious Objects. Protection of religious objects was the responsibility of the Office of Religious Affairs and the Office of Antiquities. The Special Rapporteur was also informed that an inventory was in progress, but any action undertaken by the international community through UNESCO, for example, would be most welcome.

c. Photographs of the Dalai Lama

The Special Rapporteur was not able to verify claims that the sale of photographs of the Dalai Lama was banned in Tibet. He saw photographs of the Dalai Lama during visits to places of worship, but was informed by unofficial sources that restrictions did exist.

d. Religious writings and publications

According to the information obtained by the Special Rapporteur, religious associations do not encounter any restrictions on the writing and distribution of religious works.

(iv) Practice of religion

The Office of Religious Affairs reported that the majority of those practising the five religions were elderly people, women, illiterates and country people. According to the Special Rapporteur's information, religious practice is growing, particularly amongst young Christians. The authorities stated that the under-18s were allowed to practice religion freely. As far as religious ceremonies and traditions are concerned no restrictions were noted in the information gathered by the Special Rapporteur, other than in the case of a few specific sects such as the Protestant "shouters" sect. It is not permissible to compel Muslims to do voluntary work and give alms and the call to prayer must take place within the mosque. As far as Catholics are concerned, mass is increasingly being celebrated in Chinese rather than in Latin, or even in English for foreigners.

With regard to pilgrimages to Tibet, the CERA stated that exiled Tibetans did not face any special obstacles and that there was a body specifically responsible for taking charge of them.

Several persons with whom the Special Rapporteur spoke expressed reservations about proselytizing by the Christian sects, for they considered it to be irregular and likely to be in breach of the law, firstly because it spread rumours which caused disorder (such as the announcement of the apocalypse) and secondly, because it was not in accordance with Christianity. However, it was emphasized that the solution lay not in arrests (unless the law had been broken) but in properly educating and training clergy to meet the needs of believers.

(v) Religious education

a. Number of teachers

The Special Rapporteur was informed that there were insufficient teachers to train members of religious orders. This was due to the consequences of the Cultural Revolution. Catholic representatives said that seminarists were being sent abroad to solve the problem. Protestant representatives felt that it was necessary to expand the training of lay preachers.

b. Training for religious orders

The Special Rapporteur was informed that theology constituted the main element of training for religious orders and that part of the curriculum was devoted to international affairs and legislation. The theology classes were taught by members of religious orders, whilst tuition in the other subjects was provided by non-believers. In the case of Tibet, unofficial sources reported that religious trainees had insufficient time to study theology since they were overwhelmingly concerned with administrative problems, largely to do with the necessity of ensuring that monasteries are self financing. The CERA considered on the contrary that pressure of time did not affect the study of theology. The Director-General of the Chinese Centre for Tibetan Studies said that monks receiving training were a problem since some of them were illiterate, having been sent to the monasteries at birth in order to ensure their survival. A survey of monks at the Sera Monastery had apparently shown that 78 of them were in fact illiterate and were therefore incapable of acquiring the necessary theological knowledge.

c. Religious education for the under-18s in schools and places of worship

The authorities and religious representatives believed that religious education could not be introduced in schools because of the policy of separation of religion from education and because it was necessary to take into account the majority of the population who were non-believers. With regard to religious education for under-18s in places of worship, the practice appears to vary. Protestant associations stated that they were able to teach religion to under-18s in their churches, but this does not seem to be the case for other religious associations.

(vi) Arrest and detention of believers and religious workers

a. Allegations

During his visit to China, the Special Rapporteur handed the Chinese authorities a list of allegations concerning believers and members of religious orders detained in Beijing, Shanghai, the provinces of Anhui, Fujian, Heibei and Henan and the Tibet Autonomous Region (see appendix I). These cases mainly involved believers and members of unofficial Christian religious organizations, some of which were sects, as well as Tibetan monks.

b. The authorities' reply

The Chinese authorities gave the Special Rapporteur their reply, firstly, to the second part of the allegation transmitted on 25 November 1993 (see appendix I), and secondly concerning 15 of the cases in the above-mentioned allegation presented during the Special Rapporteur's visit (see appendix 2). The results of investigations into the remaining cases were not yet available. In these replies and in talks with the Special Rapporteur, the Chinese authorities said that there were no religious prisoners in China, and specified that infringement of the law, not religion, constituted the grounds for every conviction. The authorities stated particularly categorically that the arrests of monks and believers in the Tibet Autonomous Region were linked not to their religion, but to acts carried out in support of Tibetan independence such as riots which breached the peace and caused material damage.

c. Practice of religion and places of worship in detention centres and prisons

The Ministry of Justice stated that religious activities did not take place in prison and that detainees were allowed religious reading matter, on condition that it was compatible with their re-education. The Ministry of Public Security stated that prisoners were able to practise their religion in their cells or in designated places, but that in general, detention centres did not have places of worship because of the small number of practising believers.

(vii) Release of prisoners and situation of released persons

a. Release of prisoners

In a press release of 16 November 1994 (HR/94/57), the Special Rapporteur noted with satisfaction the release of two Tibetan monks: Yulo Dawa Tsering and Thupten Namdrol. During his visit, he requested firstly the release of the detainees listed in the allegation of 25 November 1993 and in that transmitted directly to the Chinese authorities, as well as confirmation that others had been released (see appendix 1), and secondly to meet Mr. Yulo Dawa Tsering. The authorities stated that all prisoners were sentenced in accordance with the law and that, consequently, they could be released only within the terms of the law. It was also made clear that the two Tibetans had been released because of good behaviour and in one case constituted release against security and in the other a reduction of sentence. As far as amnesties or pardons were concerned, these had been granted only once, in the 1950s. In their replies to the two allegations transmitted by the Special Rapporteur (25 November 1993 and November 1994), the authorities confirmed the release of some prisoners and agreed to a meeting between the Special Rapporteur and Mr. Yulo Dawa Tsering.

b. Meeting with Mr. Yulo Dawa Tsering

On 26 November 1994, the Special Rapporteur met Mr. Yulo Dawa Tsering, a senior Tibetan monk released on 6 November 1994, and asked him a number of questions. Mr. Yulo Dawa Tsering stated that he had been arrested for the first time in 1959 for campaigning for Tibetan independence and had been sentenced to life imprisonment, but his sentence had been reduced and he had been released in 1979. On 15 December 1987, he had been arrested for appealing to Italian tourists for the support of the international community for Tibetan independence. He said that his arrest had been on political grounds. Referring to the periods he had spent in detention, Mr. Yulo Dawa Tsering said that in Jaji (Tchaji) Prison, he had been held with 193 other monks and believers and 74 nuns, in Gutsa Prison, he had been held with a number of lamas and in Lingzhi Prison with 4 lamas, one of whom had since been released.

He stated that, as a monk, he had enjoyed special treatment during his first period of imprisonment. On the second occasion, the reverse had been true and, in particular, all portraits of the Dalai Lama discovered had been confiscated. Furthermore, he had been forbidden to practise his religion under threat of harsh treatment. During this time, he had initially been held with ordinary prisoners. Then, at the end of 1989, he had been separated from these detainees, 10 of whom had been selected for confinement with the political prisoners. During his imprisonment, the prisoners initially received 35 yuan per month for subsistence, then 52 yuan per month because of price rises.

Referring to his release, Mr. Yulo Dawa Tsering said that the official statement according to which he had been freed because of his good behaviour, observance of prison regulations and admission of his guilt was not true. As far as his present situation was concerned, he said that, given the policy of freedom of religious belief, religious activities were possible, but he had been banned from his posts, notably with the Office of Ethnic and Religious Affairs and the Buddhist Association, and he was prohibited from joining any monastery, as were monks who had demonstrated or put up posters for Tibetan independence. He mentioned the example of Tubdan Namdrel, a fellow prisoner, who had been sent away from Jokhang Monastery the day after his return, despite assurances given him in prison that he would be allowed to go back. This exclusion from places of worship is not apparently enforced by the monks' religious superiors on the grounds that Mr. Yulo Dawa Tsering and the other imprisoned lamas have the necessary religious knowledge. Mr. Yulo Dawa Tsering expressed concern on two matters, firstly, the fact that monks jailed for demonstrating and poster campaigns were excluded from places of worship upon their release and, secondly, the international community's concept of the history of Tibet. He also voiced his disquiet over the fate of Mr. Lobsang Tenzin, imprisoned for having attempted to hand over a letter addressed to an ambassador which had been intercepted by an interpreter. He concluded by expressing his hopes regarding the international community, in particular, should his meeting with the Special Rapporteur have negative consequences for him.

c. Restrictions

The Special Rapporteur transmitted to the Chinese authorities information on cases of members of religious orders and believers in Shanghai and in the provinces of Hebei, Henan and Fujian who were subjected to restrictions, (restriction of movement, surveillance by the police, loss of political rights), (see appendix 1). In their reply (see appendix 2), the authorities informed the Special Rapporteur that no restrictions existed. With regard to the Tibet Autonomous Region, the Commission on Ethnic and Religious Affairs of the Tibet Autonomous Region confirmed that Tibetan nuns and monks who had served their sentences were prohibited from returning to any place of worship (convent or monastery) if the acts of which they had been convicted constituted counter-revolutionary crimes, (such as demonstrating for Tibetan independence). According to the authorities, this measure was intended to prevent breaches of public order in places of worship and did not apply to those convicted of ordinary crimes.

E. Conclusions and recommendations

The Special Rapporteur's visit to China afforded a better understanding of the present situation in that country. Through all the information received from various governmental and non-governmental sources and from various talks and visits, he was able to observe some developments in the human-rights situation in China, especially as far as tolerance of and non-discrimination against religion or belief were concerned. Some aspects of these developments represent progress, while others call for correction and improvement.

The Special Rapporteur is aware of the complexity of the situation in China, a vast, densely populated, multi-religious, multi-ethnic territory which has to come terms with and reconcile many factors, or even contradictions, such as the atheism and marxist doctrine espoused by most of the population, the spread of religious movements, and the need to strike a balance between non-interference and national political sensibilities on the one hand and the requisite respect for human rights on the other. During his visit, the Special Rapporteur was therefore able to perceive the beginnings of a trend which should become one of steady change, accommodating itself to, and thus unhindered by, the passage of time. It must bring changes in legislation on religious freedom and its application, as well as in policy on the matter.

The Special Rapporteur believes that substantial progress has been made in the field of laws on religious freedom. Article 147 of the Penal Code punishing all violations committed by State officials is important and the Special Rapporteur likewise considers the promulgation of two Council of State decrees, Nos. 144 and 147, to be a step forward, despite some legal ambiguities and an apparent sensitivity to the outside world. The Special Rapporteur regards these new regulations as transitional measures in a process leading to gradual improvement. In this context, the Special Rapporteur wishes to submit the following recommendations, based on a study of Chinese legislation and the talks held on this subject with various people in China.

With regard to the right of freedom to manifest one's religion, the Special Rapporteur recommends that amendments be made to the pertinent legal texts, such as article 36 of the Constitution, so as to provide a constitutional guarantee of respect for freedom to manifest one's religion or belief in accordance with article 1, paragraph 1, of the 1981 Declaration.

With regard to the right of persons under the age of 18 to freedom of belief, the Special Rapporteur recommends that steps be taken to adopt a provision explicitly mentioning this right, so as to ensure the requisite compliance with the Convention on the Rights of the Child, especially article 14, which was ratified by China on 2 March 1992.

The Special Rapporteur further recommends the adoption of a text recognizing the right to freedom of belief and freedom to manifest one's belief for all, including members of the Communist Party and other socio-political organizations.

With reference to places of worship, the Special Rapporteur recommends that the notion of a "fixed place" (para. 2 of decree No. 145) be defined so as to clarify legally the particular terms, conditions and restrictions applying to worship at home. The Rapporteur recommends a more precise definition of the criteria for the registration of places of worship, especially the number of believers and the qualifications of members of religious orders.

Lastly, with regard to religious freedom in general, the Special Rapporteur recommends the introduction in the medium term of a law on religious freedom, so as to harmonize all the pertinent legal texts, remedy legal ambiguities and, in keeping with established international standards, overcome the particular fears and sensitivities prompted by the distinction between nationals and foreigners.

The Special Rapporteur was encouraged to note a political determination to apply legislation and policy in the field of tolerance of and non-discrimination against religion and belief, despite some practical monitoring difficulties. In particular, some adjustment of traditions and modes of behaviour seems to be needed if a new culture among administrative and prison authorities is gradually to take shape. Of course, this aim cannot be achieved in the immediate future. Nevertheless, the Chinese authorities could begin by clearly showing the way to reduce and combat abnormal situations and excesses. There is a risk that if an administration has discretionary power of judgement, this can degenerate into arbitrariness. Endeavours must therefore be made to ensure that progress in legislation on religious freedom is not negated by individual, administrative or political design. It is essential to secure the principle of religious freedom and its manifestation and to limit it only in exceptional circumstances justified by objective legal grounds of which the persons concerned are notified immediately.

Furthermore, it is necessary to define the notion of "trespass to the person" expressly as an act committed by a public official, which may be unrelated to the performance of that person's duties or of a public service activity, so that the official has greater personal liability under civil and criminal law for direct or indirect, overt or covert infringements of or interference with religious freedom.

The Special Rapporteur noted during his talks that the distinction between normal and abnormal religious activities was not drawn very clearly and was applied fairly flexibly. In some cases, for example, it had been found that people had been prosecuted for engaging in abnormal activities, whereas, in others no action had been taken on activities which might be regarded as abnormal. The Rapporteur is of the opinion that this flexible approach should be extended so that ultimately the distinction effectively disappears. The Special Rapporteur considers that there must be no interference with religious activity falling within the scope of the 1981 Declaration. At all events, there must not be any surveillance of a kind to infringe the right to freedom of belief and to manifest one's belief. With regard to sects, the Special Rapporteur particularly wishes to point out that the 1981 Declaration protects not only religion, but also theist beliefs and that article 1, paragraph 3, of that Declaration states that freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

With regard to the alleged arrest or detention of members of religious orders and believers belonging to unofficial religious organizations (including members of sects and Tibetan monks) and restrictions affecting them, the Special Rapporteur reiterates his request that these persons be freed. A decision of this kind would be even clearer evidence of the moves in China towards religious freedom which the Special Rapporteur discerned during his visit.

The Special Rapporteur realises that it is difficult to draw a distinction between the religious and the political sphere in Tibet. This distinction cannot be general or absolute. Nevertheless, although he was aware of these real or supposed links between politics and religion in Tibet, the Special Rapporteur deliberately examined only questions which principally concerned religious freedom as defined in the 1981 Declaration, without passing any judgement whatsoever on other aspects.

The Special Rapporteur noted the extremely devout attitude perceptible in Tibet, the full scale and extent of which has not, perhaps, been sufficiently appreciated so far. This factor must be taken into account when analysing the religious situation in Tibet. Moreover, the question of Tibet would be less acute if it did not have an added dimension, in other words if it turned solely on religious aspects.

The Special Rapporteur considers that deep religiousness may be the source not only of great spirituality, but also of real difficulties. The latter should be dealt with through dialogue, tolerance and education. Any repression of religion can lead to greater religiousness, or even, in some cases, a form of extremism, despite the apparently non-violent nature of Buddhism in general and Tibetan Buddhism in particular, the values of which might be severely tried by changes to the demographic data of Tibet. The Special Rapporteur recommends that the balances and compromises required by social dynamics be reached, so as to avoid the deeply religious being tempted by religious extremism.

The Special Rapporteur strongly recommends that religious figures who have served their sentences for "counter-revolutionary acts" should no longer be banned from entering places of worship. Furthermore, he recommends that a reasonable balance be worked out between the number of students of religion and the quality, duration and time set aside for their instruction. Likewise, the basically religious function of places of worship and the aims of making them financially independent should be made reasonably compatible.

As for more general recommendations about policy and practice concerning tolerance of and non-discrimination against religion and belief throughout China, the Special Rapporteur wishes to stress the importance of giving State officials and judges adequate human-rights training, especially on the subject of religious freedom. He recommends that the technical assistance and advisory services of the Centre for Human Rights should help in this area.

The Special Rapporteur also recommends that the principal texts on religious freedom should be posted in the administrative services concerned. Furthermore, the publication and distribution of a compendium of texts on religious freedom, including implementing instructions, is strongly recommended. The distribution of documentation about human rights to all religious institutions would also be desirable. The Special Rapporteur also recommends that citizens and institutions be informed about appeal procedures available in the event of a refusal to register religious organizations.

Education about tolerance of and non-discrimination against religion and belief should be considered and introduced as soon as possible, as a way of combating all forms of intolerance and discrimination based on religion or belief. At the same time, the Special Rapporteur urges the creation of universities offering religious instruction as a main or subsidiary subject. More broadly, the Special Rapporteur recommends that a culture of human rights and in particular of tolerance should be spread by promoting the creation of human rights clubs in universities, which would strive chiefly to further the development of tolerance of and non-discrimination against religion and belief.

Appendix 1

ANHUI

Detention

Members of religious orders subject to various restrictions

Zhang Jiuzhong: House-church preacher, protestant, from Jiuangchang township, Lixin County. Arrested in 1993 for illegal religious activity. Sentenced in October 1993 to two years' reform through labour.

Dhai Guillang (45 years old) and Dai Lanmai (27 years old-female): House-church preachers, protestant, from Yuefang township, Mengcheng County. rrested on 25 August 1993. Sentenced to three and two years' reform through labour, respectively, by the Fuyang Prefectural Labour Re-education Administrative Committee. Detained in Xuancheng Labour Camp.

Guo-Mengshan (41 years of old from Lixin County), Liu Wenjie and Zheng Lanyun: Arrested on 20 July 1993 and accused of conducting "New Believers' Edification" classes for five days in rural areas of Dafeng. Guo-Mengshan held under "shelter and investigation" procedure for over three months and then administratively detained on 11 October 1993 for three years' reform through labour for "itinerant preaching". Sentences of Liu and Zheng unknown; after detention in Mengcheng County prison, detained in Xuancheng Labour Camp.

Li Haochen: House-church preacher, protestant, from Sanyi township, Mengcheng County. Arrested in March 1993 and held until June. Re-arrested in September 1993 and sentenced to three years' reform through labour.

Wang Dabao, Yang Mingfen, Xu Hanrong and Fan Zhi: House-church protestants arrested in Yingshang County after August 1991.

Shang Guancun, Zeng Shaoying and Leng Zhaoqing: House-church protestants arrested in Yingshang County after August 1991.

Shang Guancun, Zeng Shaoying and Leng Zhaoqing: House-church protestants, arrested in Funan County after August 1991.

Ge Xinliang: 27 year-old farmer and house-church preacher from Yuefang township, Mengcheng County. Arrested on 25 August 1993, one date after holding a prayer meeting in Simen Village, Qin Zhuang. Sentenced to two years' reform through labour by the Fuyang Prefectural Labour Re-education Administrative Committee.

BEIJING

Detention

- Hua Huiqi, Wang Huamin and Wu Rengang: Evangelical Lay Leaders, arrested on 3 June 1994 and detained in Beijing.

- Xu Honghai

- Gou Qinghui

Restrictions

- Father Fan Da-Dou: priest of Beijing diocese. Not permitted to administer sacraments.

FUJIAN

Detention

- Father Lin Jiale and Father Liu Shizhong: imprisoned in Fuzhou.

- Fathers Liu Guangpin, Zhu Ruci, Zou Xijin and Xu: priests of Fu'an. Arrested on 27 July 1990. Released for health reasons in August 1991. Now under house arrest.

Father Guo Xijian: priest of Fu'an. Arrested on 16 December 1993 as he was celebrating Mass in private house.

Lin Zilong: 80 years old. District leader of "Shouters" protestant sect, from Fuqing city. Arrested on 23 December 1993 by Public Security officials. Held administratively in Fuqing police station jail. Arrested twice before for religious reasons; served over seven years in prison following arrest in 1983.

Han Kangrui: 48 years old. Member of "Shouters" protestant sect, from Fuqing city. Detained in Longtian town detention centre.

He Xiaxing: 53 years old. Member of "Shouters" protestant sect, from Fuqing city. Arrested on 23 December 1993 and detained in Jiangjing town detention centre.

Pan Yiyuan: 58 years old. House-church protestant of Zhangzhou, Henan Province. Arrested 2 February 1994 and detained in Zhangshou Detention Centre.

Restrictions

Bishop Vincent Huang Shoucheng: Bishop of Fu'an. Arrested on 27 July 1990. Remained in detention until June 1991. Now restricted to home village.

Bishop John Yang Shudao: Bishop of Fuzhou. Arrested on 28 February 1988 in Lishuan Village. Transferred to house detention in February 1991. Restricted to home village and under close police surveillance.

Releases to be confirmed

Wang JingJing: Layman of Fujian Province. Arrested on 28 February 1988 in Liushan village.

Father Wang Yiqi: Priest of Fujian Province. Arrested in Liushan village on 28 February 1988.

HEBEI

Detention

Father Liu Jin Zhon: Priest of Yixian. Arrested on 24 February 1994 while celebrating Mass. Detained in Gu An Xian.

Father Yan Chong-Zhao: Priest of Handan diocese. Arrested in September 1993. Detained in Guangping County.

Father Peter Cui Xingang: Parish priest at Donglu village, Quingyuan County. 30 years old. Arrested on 28 July 1991 and held.

Father Zhou Zhenkun: Priest of Dongdazha village, Baoding. Arrested on 21 December 1991 by Public Security Bureau.

Father Liu Heping: 28 year-old Catholic. Arrested on 13 December 1991 at his home in Shizhu village, Dingxing County and held without trial.

Father Ma Zhiyuan: 28 year-old Catholic. Arrested on 13 December 1991 at Houzhuang, Xushi County. Administrative detention.

Father Xiao Shixiang: Priest of Yixian diocese. 58 years old. Arrested on 12 December 1991 for leading a religious retreat.

Father Gao Fangzhan: 27 years old. Priest of Yixian diocese. Arrested in May 1991 outside Shizhu village in Dingxing County.

Father Chen Yingkui: Priest of Yixian diocese. Arrested in 1991 and sentenced to three years' re-education through labour. Imprisoned in Gaoyang County.

Father Joseph Chen Rongkui: 28 years old. Arrested on 14 December 1990 at the Digxian train station in Hebei. Held without trial.

Father Paul Liu Shimin: 32 years old. Arrested on 14 December 1990 in Xiefangying, Xuushui County. Held without trial.

Father Pei Guo Jun: Priest of Yixian diocese. Arrested and imprisoned between mid-December 1989 and mid-January 1990 in connection with underground episcopal conference in Shaanxi Province.

Father Shi Wande: Priest of Baoding diocese. Arrested on 9 December 1989 in Xushui and imprisoned.

Father Li Shang Jin: Of Handan, 28 years old, arrested the afternoon of 4 March 1994 while celebrating mass in the home of a lay Catholic. Held at the detention centre in ma Pu Cun, Hew Sha Zhen Xiang, Handan Xian.

Father Lu Dong Liang: Of Feng Feng Shi, Dong Ging Liu. Arrested before Easter Sunday while celebrating mass. Detained at the detention centre of Guang Ping Xian.

Deacon Ma Shunbao: 42 years old. Arrested on 6 November 1991. Detained without trial.

Deacon Dong Linzhong: Of Dongdazhao village, Boading. Arrested on 21 December 1992 by Public Security Bureau.

Father Xu Guoxin: Priest of Langfang diocese. Arrested in 1991 and sentenced to three years' reform through labour.

Rev. Sun Hua Ping: Arrested on 30 June 1994 in the home of a parishioner. Held at the detention centre of Ling Ming, Shi Zhuang Cun, Yong Nian Xian.

Ms. Wong Rui Ying: Arrested in June 1994 at her home. Security police would have also confiscated from her home a tabernacle with consecrated Holy Hosts inside. Held at the detention centre in Cheng An Xian.

Restrictions

Father An Shi'An: Vicar-General of Daming diocese. Born in 1914. Arrested late December 1990 and detained in Handan. Released on 21 December 1994. Under restrictions of movement.

Father Su De-Qien: Priest of Tianjin diocese. Prevented since Christmas 1993 from administering sacraments.

HENAN

Detention

Bai Shuqian: Elderly member of Little Flock house church from Ye County. Arrested in 1983; charged with belonging to the "Shouters" sect, holding illegal religious meetings and receiving foreign Christian literature. Sentenced to 12 years' imprisonment. As of March 1987, would be held in Kaifeng.

Zhao Donghai: Protestant house-church leader. Sentenced to 13 years' imprisonment in 1982 or 1983.

Bishop John Baptist Liang Xishing: Bishop of Kaifeng diocese. Born in 1923. Arrested in October 1990 for illegal religious activities. Released in February 1991 and re-arrested on 18 March 1994.

Rev. Li Hongye of Luo Yong: Arrested about 10 a.m. on 25 July 1994 in Luo Yong.

Restrictions

Song Yude: 40 years old. House-church leader; Protestant from Tongbo County. Arrested on 16 July 1984. Tried on 29 January 1986. Sentenced to eight years' imprisonment in particular for illegal religious meetings. Released in April 1992. Still deprived of political rights.

Xu Yongze: Founder of "New Birth" Protestant Movement. 52 years old, from Nanyang, Zhenping County. Arrested on 16 April 1988 in Beijing. Sentenced to three years' imprisonment. Held in Zhenping County Prison until 26 April 1991 and in Henan Public Security Bureau office until 20 May 1991 when released. Remains under strict police surveillance.

Father Zhu Bayou: Priest of Nanyang diocese. Arrested in early 1980s and sentenced to 10 years for leading Roman Catholics on pilgrimage to Sheshan. Relesed on parole and now restricted to village Jinqang.

Release to be confirmed

He Suolie, Kang Manshuang and Du Zyhang Ji: House-church leaders, protestants. Arrested and sentenced in 1985 to eight, five and four years in prison, respectively.

SHANGHAI

Detention

Pei Zhongxun (Chun Chul): 76 years old, ethnic Korean Protestant leader from Shanghai. Arrested in August 1983 and sentenced to 15 years of imprisonment. Detained in Shanghai Prison No. 2.

Restrictions

Bishop Joseph Fan Zhongliang: Bishop of Shanghai, 73 years old. Arrested on 10 June 1991. On 19 August 1991, transferred to a form of house arrest in Shanghai. Forbidden to leave Shanghai and is kept under police surveillance. Police would have not returned church and personal property seized from him at time of his arrest.

Xie Moshan ("Moses Xie"): House-church leader from Shanghai in his early 70s, was arrested on 24 April 1992 on charges of "conducting illegal itinerant evangelism". Released on 23 July 1992. Movement restricted and required to report periodically to local Public Security Bureau.

Zhu Mei (or Sha Zhumei): Born on 12 May 1919, Protestant. Arrested on 3 June 1987 in Shanghai. Tried on 3 November 1987. Released on parole on 3 April 1992. Restrictions in particular for travel.

SICHUAN

Restrictions

Bishop Hou Guoyang: Bishop of Chongqing. Arrested early January 1990 for participation in underground episcopal conference and detained until early 1991. Now under police surveillance in Chongqing City.

TIBET AUTONOMOUS REGION

Detention

Ngawang Phulchung: Born in August 1957 in Toelung Dechen. Monk at Drepung Monastery. Detained on 16 April 1989 and sentenced on 30 November 1989 to 19 years' imprisonment and 5 years' deprivation of political rights. Held at Prison No. 1 (Drapchi), Unit 5.

Jampel Changchub (Paymane: Yugyap): Born in 1960 in Toelung Dechen. Monk at Drepung Monastery. Detained on 16 March 1989 and sentenced on 30 November 1989 to 19 years' imprisonment and five years of deprivation of political rights. Held at Prison No. 1 (Drapchi), Unit 5.

Lobsang Tsultrim: 72 years old, senior monk at Drepung Monastery. Arrested in April 1990 and sentenced to six years' imprisonment.

Phuntsong Nyidron (Pingcuo Nizhen; Paymane: Tseten): Born in 1968 in Phenpo (Lundrup County). Nun at Michungri Nunnery. Detained on 14 October 1989. Sentence was extended in October 1993 to 17 years' imprisonment. Held at Prison No. 1 (Drapchi), Unit 3.

Tenzin Thubten: Born in 1969. Nun at Michungri Nunnery. Detained on 21 August 1990 and sentenced to five years with one year to be reduced if her behaviour was good. In October 1993, she was sentenced to an additional nine years. Held at Prison No. 1 (Drapchi) Unit 3.

Gyaltsen Drolkar (Jiacing Zhouga): born in 1970 in Meldro Gongkar. Nun at Garu Nunnery. Sentenced on 30 November 1990 to four years with one year to be reduced if her behaviour was good. In October 1993, she was sentenced to an additional eight years. Held at Prison No. 1 (Drapchi) Unit 3.

Ngawang Chemo (Choegna): Age 21. Nun at Gari Nunnery. Arrested on 14 June 1993.

Kelsang Drolma: Age 23. Nun at Gari Nunnery. Arrested on 14 June 1993 and sentenced to two years imprisonment.

Gyaltsen Lhaksam: Age 20. Nun. Arrested on 21 August 1990 and sentenced to seven years' imprisonment.

Dekyi: Age 22. Nun at Gari Nunnery. Arrested on 14 June 1993 and sentenced to seven years' imprisonment.

Godekyi: Age 19. Nun at Gari Nunnery. Arrested on 14 June 1993 and sentenced to five years' imprisonment.

Release to be confirmed

Jampal Monlam: Age 24. Monk. Arrested in March 1989 and sentenced to five years' imprisonment.

Appendix 2

Reply from the Chinese authorities

1. Fujian province

Yang Shudao, male, age 70, from Lianjian County, Fujian province. Catholic priest.

In accordance with the law, sentenced in December 1988 to three years in prison for illegal activities and violation of the penal code. Released after serving his sentence.

The claim that Yang was "under close surveillance by the public security organs" does not accord with the facts.

Wang Jingjing. Investigations reveal that there is no such person.

Wang Yiqi. Investigations reveal that there is no such person.

2. Hebei province

Ma Zhiyuan. Investigations reveal that there is no such person.

Pei Guojun. Investigations reveal that there is no such person.

Xu Guoxin, male, from Langfang, Hebei province. Assigned to three years of re-education through labour in December 1991 by the local re-education through labour management committee for disruption of social order. Released in May 1994 before serving his full sentence.

3. Henan province

Xu Yongze, male, age 53, from Zhenping County, Henan province. Assigned in April 1994 by local re-education through labour management committee to three years of re-education through labour for violation of Chinese regulatinos on registration of public groups, establishing an illegal organization, disrupting public order and resistance to reform. Has now been discharged.

4. Shanghai

Pei Zhongxun (Pei Junzhe), male, age 76. Former factory worker in the Shanghai City Construction Department.

Address: No. 1, Alley 78, Fuxing West Road.

In accordance with the law, was sentenced by the Intermediate People's Court of Shanghai to 15 years in prison (from 18 August 1983 to 17 September 1998) for espionage. He is serving his sentence in a Shanghai prison and is in good health.

Bishop Joseph Fan Zhongliang. The claim that he is "forbidden to leave Shanghai and is under intensive police surveillance" is not in accordance with the facts.

Xie Moshan was investigated by the local public security organs in accordance with the law for his involvement in illegal activities but no action was taken. The claim that his "movements are restricted" is not in accordance with the facts.

Zhu Mei. Investigations reveal that there is no such person.

Tibet

Ngawang Phulchung, male, lama at the Drepung Monastery, Tibet. In January 1989, he set up an illegal "Independence of Tibet" organization at the monastery. Colluding with and on the orders of foreign forces, he collected State secrets, drafted, printed and distributed leaflets to encourage the "Independence of Tibet", and was involved in the Lhasa riots in March 1989. Under the Chinese penal code he was sentenced on 30 November 1989 by the Intermediate People's Court of Lhasa to 19 years' imprisonment and stripped of his political rights for five years, for gross violations of national security and of the penal code.

Jampel Changchub, male, a lama from the Drepung Monastery, Lhasa. In accordance with the law, was sentenced on 30 November 1989 by the Intermediate People's Court of Lhasa to 19 years' imprisonment and stripped of his political rights for five years for his involvement in the activities of an illegal separatist organization in January 1989 and for collecting State secrets.

Kelsang Drolma, female, ethnic Tibetan, a nun at Gari nunnery before her arrest. In accordance with the law, she was sentenced on 13 October 1993 by the Intermediate People's Court of Lhasa to two years' imprisonment (from 14 June 1993 to 13 June 1995). She is serving her sentence in the Tibet Autonomous Region prison, and is in good health.

Jampel Monlam was released on 14 July 1994 after serving his full prison term.

IV. CONCLUSIONS AND RECOMMENDATIONS

During the period under review, the Special Rapporteur continued to receive communications - in increasing numbers and based in most cases on specific evidence - alleging violations of rights and freedoms proclaimed in the 1981 Declaration. Through dialogue initiated with Governments, the Special Rapporteur requested clarification of and views and comments on particular cases or incidents, requested documents and information, suggested approaches, drew attention to situations and called for urgent initiatives or measures, as the circumstances required.

In addition to the cooperation that was shown him in fulfilling his mandate, the Special Rapporteur appreciated the interest and open-mindedness with which many Governments considered the matters with which he was charged, as well as their determination to resolve the problems raised.

The Special Rapporteur still believes that the attitudes of reluctance which he sometimes noted, on rare and isolated occasions, have to be dealt with patiently, through dialogue and with determination to see prevail both the rights and freedoms proclaimed by the 1981 Declaration and all the international instruments relating to human rights, and the justifiable concerns of all the parties involved. Any prejudgment constitutes, in his view, a wrong approach; any generalization is an error and any excessive action will ultimately be meaningless. The situations involved are highly complex and therefore cannot readily be reduced to types and classifications and even less to slogans and clichés. The culture of human rights, and particularly of tolerance, cannot be decreed. It is learned and absorbed progressively through initiatives and measures over the long term, which, although altering with time, should not be conjugated in a past tense.

The Special Rapporteur firmly believes that the achievement of religious tolerance and non-discrimination must go together with the achievement of human rights as a whole. Human rights cannot be promoted in the absence of democracy and development. Consequently, action to promote human rights, including the right to religious freedom, tolerance and non-discrimination, must involve, at one and the same time, measures to establish, strengthen and protect democracy as an expression of human rights at the political level, and measures to contain and progressively eliminate extreme poverty and to promote the right to development as an expression of human rights and human solidarity in the economic, social and cultural areas. As has very frequently been observed, the interdependence of all people is something quite obvious. Selectivity, on the other hand, leads to inconsistency that compromises credibility and therefore endangers the whole structure of human rights. Human rights, and the right to freedom of religion in particular, because the two subjects are extensively linked and interdependent, call for constant attention, thorough investigation and action on the part of States, societies, religious communities and individuals, in a continuous process of interiorization of the values relating to human rights, democracy and development. It is because human rights, in their various complementary expressions, are at a level above contingencies and variables that they must be sheltered from anything that can undermine their foundations or damage their mechanisms and protection procedures.

The Special Rapporteur tends towards the view that, avoiding attitudes and behaviours dictated by immediate circumstances, human rights, including the right to freedom of religion, should be dealt with on a continuing basis and should therefore not be the subject of any ambivalence, evasion or functionalization for purposes other than those which constitute their raison d'être.

"Hatred, intolerance and acts of violence, including those motivated by religious extremism" are factors potentially capable of promoting the development of situations that may threaten or compromise international peace and security in one way or another and infringe human rights and the right of peoples to peace. The Special Rapporteur is firmly convinced that religious extremism - like the extreme reactions it can unleash, both among authorities and in public opinion - is a factor contributing to the maintenance of tensions that can lead to situations which are difficult to control and expose the credibility of human rights (including the right to peace), to drifting and chance. The Special Rapporteur considers that maintenance of the right to peace should encourage further development of international solidarity so as to curb religious extremism of any kind by acting on both its causes and its effects, without selectivity or ambivalence, and by first of all defining - as certain States have done, often within the framework of regional international organizations - minimum common rules and principles of conduct and behaviour towards extremism and towards terrorism.

The Special Rapporteur wishes again to place emphasis on education as the essential means of opposing intolerance and discrimination based on religion or belief. The actions and initiatives taken hitherto have been much more concerned with ways of dealing with intolerance and discrimination than with their prevention. In his view, priority in combating intolerance and discrimination based on religion or belief must be given to prevention through education. This could make a decisive contribution towards the adoption of values based on human rights and to the development, both in individuals and in groups, of tolerant and non-discriminating attitudes and behaviour, thus helping to extend the culture of human rights. The Special Rapporteur is firmly convinced that lasting progress towards tolerance and non-discrimination in the area of religion and belief can be ensured mainly through education, and particularly through the schools. The questionnaire on this subject which was sent to States could constitute the first stage of a process aimed at promoting a better understanding of freedom of religion and belief and at first curbing and then eradicating intolerance and discrimination based on religion or belief.

The information gathered by the Special Rapporteur demonstrates the international community's interest in problems of religious intolerance and discrimination and the genuine efforts being made by many Governments to limit their impact. As the Special Rapporteur noted in his previous report (E/CN.4/1994/79), his role is not to level accusations or make value judgements, but rather to promote understanding of the circumstances underlying religious intolerance and discrimination, mobilize international public opinion and establish a dialogue with the Governments and any other parties concerned.

The Special Rapporteur also expresses appreciation to the non-governmental organizations for their valuable cooperation. Their detailed information and the concerns they have expressed have been extremely useful to him in fulfilling his mandate.

During the period covered by this report, the Special Rapporteur received communications from virtually all regions of the world. Once again he notes that manifestations of religious intolerance occur in countries at varying stages of development and with different political and social systems and are in no way confined to a single faith. The majority of the complaints received concerned violations of the right to have the religion or belief of one's choice, the right to change one's religion or belief, the right to manifest and practise one's religion in public and in private and the right not to be subjected to discrimination on these grounds by any State, institution or group of persons.

The Special Rapporteur wishes to draw attention to the fact that the violation of the rights mentioned above also jeopardizes the enjoyment of other human rights and fundamental freedoms enshrined in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as in other international human rights instruments. During the present reporting period, violations of the provisions of the 1981 Declaration have had a negative bearing on the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained.

The Special Rapporteur once again deplores the frequently serious infringement of the rights of persons belonging to religious minorities in countries with an official or clearly predominant majority religion. He also notes the difficult situation of the members of certain religious denominations in several countries and certain regions, even when they are not strictly minorities, as is the case of the Shiites in Iraq and Saudi Arabia and the members of the Christian communities in the Sudan, Egypt and Viet Nam, as well as the Buddhists in Viet Nam and in the autonomous region of Tibet.

The Special Rapporteur notes the continuing extremism and religious fanaticism in certain countries. Although such expressions of religious discrimination and intolerance are often attributable to various economic, social, political or cultural factors which derive from complex historical processes, they are also the result of sectarianism and dogmatism. The Special Rapporteur was disturbed in particular by cases where extremist opinions had been expressed in public and implemented by Governments themselves and cases where the authorities had not taken the necessary steps in time to prevent the expression of such opinions, when they were in a position to do so.

In certain cases, the Special Rapporteur had difficulty in establishing a clear distinction between religious conflicts and ethnic conflicts, and between religious intolerance and political persecution. However, he transmitted the allegations to the Governments concerned and invited them to furnish information on the cases reported.

The Special Rapporteur is concerned at the abuse of legislation against blasphemy and the groundless accusations of blasphemy in certain countries. Such abuses foster a climate of religious intolerance and even acts of violence, including murder. In Pakistan, he was informed, the blasphemy law was amended to make the admissibility of blasphemy proceedings dependent on sufficient evidence and to make it easier to prosecute spreaders of false accusations of blasphemy and abusers of the law. Notwithstanding these amendments, however, there were reports that the Ahmadiyya and Christian minorities and even Muslims continued to be the victims of serious acts of religious intolerance. In Bangladesh, Mrs. Taslima Nasreen, a writer charged with blasphemy and sentenced to death by religious extremists, was compelled to leave her country in order to escape persecution. In Egypt and the United Arab Emirates, writers were also allegedly prosecuted and convicted for their work which was viewed as blasphemous. Finally, in Canada, a writer was allegedly stabbed, apparently because of a novel that had been considered blasphemous. The Special Rapporteur believes that special attention should be paid to these distressing situations and recommends that a study should be made of blasphemy from the human rights standpoint.

The Special Rapporteur also notes with concern the many cases of harm caused to places of worship, special religious sites and religious property of all denominations. These include damage to and confiscation or destruction of places of worship, profanation of cemeteries and denial of authorization to build places of worship or to renovate, restore or use such places. In this connection, the Special Rapporteur draws attention to paragraph 10 of resolution 1994/18, in which the Commission on Human Rights calls upon all States in accordance with their national legislation to exert their utmost efforts to ensure that places of worship and shrines are fully respected and protected.

The Special Rapporteur once again notes that real estate claims by several churches in a number of eastern European countries, such as Albania, have still not been successful despite the progress made in terms of religious freedom since the changes in those countries' regimes.

The Special Rapporteur is concerned at the role which the media play in some countries in developing a climate of religious intolerance, and he recommends that specific action be taken under the programme of advisory services in order to remedy the situation. He also deplores that the media suffer from acts, or even policies of intolerance and religious discrimination in other countries, including in particular Algeria.

The Special Rapporteur has continued to receive communications describing violations in several countries of the rights and freedoms of sects and other similar or comparable communities. He wishes to point out first of all that the 1981 Declaration is intended to protect not only religions, but also theistic, non-theistic and atheistic beliefs. He also wishes to point out, bearing in mind article 1, paragraph 3 of the Declaration, that freedom of religion and belief does not prevent the State from fulfilling, to the extent necessary and in accordance with pre-established rules consistent with international norms, its inherent obligation to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

The Special Rapporteur also believes that greater attention should in future be paid to the increasingly numerous problems posed by sects and other similar or comparable communities, in particular through a study of the topic.

The Special Rapporteur has dealt with a number of cases of conscientious objection within the framework of his mandate, in conformity with the provisions of the 1981 Declaration. He also wishes to draw attention to resolution 1989/59 of the Commission on Human Rights, which was reaffirmed in 1991 (resolution 1991/65) and in 1993 (resolution 1993/84), and which recognizes "the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights", and recommends to States "with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service" which "should be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature".

The Special Rapporteur has closely followed the tragic developments on the territory of the former Yugoslavia. He wishes to draw attention to resolution 1994/72, in which the Commission on Human Rights, repelled by the odious practice of "ethnic cleansing" whose principal victims are the Muslim population, expresses alarm at the findings of the Special Rapporteur, Mr. Tadeus Mazowiecki, that the influence of ultra-nationalist ideologies is growing and that indoctrination and misinformation encourage national and religious hatred.

The Special Rapporteur is deeply concerned at the serious acts of religious intolerance that are affecting Algerian society as a whole and are likely to have repercussions throughout the Mediterranean region.

The Special Rapporteur draws attention to the fact that the United Nations, by its establishment, testifies to the determination to "save succeeding generations from the scourge of war" and, for the achievement of its ends, "to practise tolerance and live together in peace with one another as good neighbours", to maintain, by uniting our strength, "international peace and security", and sets forth, as one of its purposes, the maintenance of international peace and security and "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". He accordingly recommends that the fiftieth anniversary of the United Nations should be commemorated with particular solemnity and that it should be seen as a special opportunity to reaffirm the determination of the international community as a whole, and also of each of its members, to preserve and develop the right of individuals and of peoples to peace. The Special Rapporteur believes that the nature of religious extremism is such as to jeopardize the right of individuals and of peoples to peace and to prejudice human rights as a whole. He accordingly recommends that the United Nations General Assembly - as well as States themselves - adopt appropriate instruments committing themselves to combating within the framework of the purposes of the United Nations and with due regard for General Assembly resolution 39/11 of 12 December 1984, which contains the Declaration on the Right of Peoples to Peace, "hatred, intolerance and acts of violence, including those motivated by religious extremism" and to "encouraging understanding, tolerance and respect in matters relating to freedom of religion or belief".

The Special Rapporteur also recommends that 1995, which has been declared "United Nations Year for Tolerance", should provide an opportunity better to publicize the values of tolerance and non-discrimination. He believes that the Year should of course be marked by the appropriate initiatives and actions, but also by the organization, at a high State level, of an international congress on tolerance and non-discrimination in the sphere of religion and belief.

The Special Rapporteur again stresses the importance of establishing a continuing interfaith dialogue to combat all forms of religious extremism by any religion whatsoever so as to guarantee religious tolerance both internationally and within States. Furthermore, the establishment of firm foundations for religious tolerance will require, as well as specific action in the sphere of education, the establishment of and respect for the rule of law and the proper functioning of democratic institutions, entailing in particular the execution of specific projects within the framework of the programme of advisory services. This edifice also requires respect for economic, social and cultural rights through the implementation of socio-economic measures designed to diminish inequalities and eradicate, in so far as possible, sources of friction and tension between religions.

The Special Rapporteur has taken note of resolution 1994/18 of the Commission on Human Rights, which encourages him to examine the contribution that education can make to more effective promotion of religious tolerance, and has undertaken a number of consultations and studies (see chap. II) which have made it possible to confirm his initial conclusions regarding the role of education as an essential and primary means of combating intolerance and discrimination. As he pointed out in the previous report, education could contribute decisively to instilling the values that focus on human rights and on the emergence, among both individuals and groups, of attitudes and behaviour exhibiting tolerance and non-discrimination and thus participate in disseminating the culture of human rights. School, which is an essential component of the basic educational system, can provide a fertile and vital ground for achieving lasting progress with regard to tolerance and non-discrimination in the matter of religion or belief. The Special Rapporteur has therefore decided to carry out a study, by means of a questionnaire addressed to States, of issues relating to freedom of religion and belief from the angle of the curricula and manuals of primary or basic and secondary teaching establishments (see annex). The results of the study could make it possible to draw up an international school strategy to combat all forms of intolerance and discrimination based on religion or belief, which could centre on the elaboration and realization of a minimum joint programme of tolerance and non-discrimination.

The Special Rapporteur has also made a number of recommendations regarding education for the Centre for Human Rights' programme of advisory services.

In conformity with resolution 1994/18, in which the Commission on Human Rights recommended that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights and encouraged the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in that regard, the Special Rapporteur wishes to make the following recommendations regarding the specific projects to be carried out within the framework of the programme of advisory services:

(a) The provision, upon request, to Governments of expert advisory services for the following purposes:

(i) Preparation of basic legal instruments or adaptation of existing instruments in accordance with the principles set out in the 1981 Declaration;

(ii) Establishment and strengthening of national and regional institutions and infrastructure such as national commissions, an ombudsman and conciliation commissions whose long-term effect will be to improve the implementation of international human rights norms, particularly in the sphere of tolerance and non-discrimination with regard to religion and belief;

(iii) Development of school curricula and textbooks that take into account the teaching of the values of tolerance and understanding with regard to religion and belief.

(b) The organization of national and regional seminars to publicize or ensure better understanding of existing principles, norms and remedies in the areas of freedom of religion and belief. These activities would be intended in particular for members of legislative bodies, the judiciary, the bar and the civil service;

(c) The organization of regional and national training courses for teachers in kindergartens, primary or basic and secondary schools, to acquaint them with the value of teaching principles of tolerance and non-discrimination with regard to religion and belief;

(d) The organization of international, national and regional workshops, to be attended by persons in key positions within society, such as the representatives of specific religions and ideologies and of non-governmental human rights organizations, on the topic of promotion of tolerance and understanding with regard to religion and belief and encouragement of dialogue between religions;

(e) The organization of workshops for media representatives to acquaint them with the importance of disseminating information in conformity with the principles of tolerance and non-discrimination with regard to religion and belief and to educate society and mould public opinion in conformity with those principles.

QUESTIONNAIRE ADDRESSED TO GOVERNMENTS AND RELATING TO FREEDOM OF RELIGION AND BELIEF IN PRIMARY AND SECONDARY SCHOOLS

1. Is there a constitutional or legislative definition in your country of the foundations of religious instruction? If so, how is it worded?

2. How many religious primary and secondary schools are there? For what percentage of all primary and secondary schools do they account?

3. For how many years is religious instruction guaranteed in primary and secondary schools?

4. Is religious instruction compulsory or optional in primary and secondary schools?

5. Does religious instruction cover one religion or more than one? Which one (or ones)? Where religious instruction does cover more than one religion, on what basis is instruction relating specifically to each religion divided up?

6. How many hours of religious instruction are given per week in the last year of primary school and in the last year of secondary school?

7. Do the results of religious instruction count - and for how much - in the overall results for the last year of primary school and of secondary school?

8. In primary and/or secondary schools, are students separated on the basis of difference of religion or belief or of difference of sex?

9. What authorities and bodies take part in drawing up primary and secondary school curricula and, in particular, religious instruction curricula?

10. What rules govern the preparation of school textbooks and, in particular, religious textbooks at the primary and secondary school levels?

11. Are religious questions dealt with in specific curricula and textbooks or covered in curricula and textbooks generally?

12. How much quantitative importance is attached to the study of religions other than the majority religion?

13. Do school curricula and textbooks deal with freedom of religion and belief, including freedom of non-belief?

14. Do school curricula and textbooks include an introduction to the practice of religion? How much time on average is spent on this introduction per week? Does it take place in the school or outside? Under whose guidance? Is it compulsory or optional? Is it based on the majority religion or does it take account of different religious affiliations?

15. Do school curricula and textbooks refer to questions relating to the elimination of all forms of intolerance and of discrimination based on religion or belief?

16. How are persons who give religious instruction trained and recruited?

17. Are there measures in your country to prevent religious instruction from being converted into political or religious indoctrination?

18. What educational measures, according to your country, might help to promote understanding, tolerance and respect in the matter of religion and belief and to combat hatred, intolerance and acts of violence, including those motivated by religious extremism?

19. What common values and principles in relation to freedom of religion and belief should, according, to your country, be taught in school curricula and textbooks?

N.B.: The answers to the questions, particularly questions Nos. 1, 13, 15 and 17, should be backed up by texts.
